

Father Panteleimon 9/16/2009  
 Society of the Holy Transfiguration Monastery, Inc. v. Archbishop Gregory of Denver Colorado

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2	SOCIETY OF THE HOLY TRANSFIGURATION MONASTERY, INC.,	2	WITNESS EXAMINATION
3	Plaintiff,	3	FATHER PANTELEIMON 8
4	vs.	4	(By Mr. Ingold)
5	Civil Action No. 07-12387-RGS	5	
6	ARCHBISHOP GREGORY OF DENVER, COLORADO,	6	
7	Defendant.	7	
8	-----x	8	
9	VIDEOTAPED DEPOSITION OF FATHER PANTELEIMON, a witness called by and on behalf of the Defendant, taken pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before James A. Scally, RMR, CRR, a Notary Public in and for the Commonwealth of Massachusetts, at the offices of O'Brien & Levine Court Reporting Services, 195 State Street, Boston, Massachusetts, on Wednesday, September 16, 2009, commencing at 9:00 a.m.	9	E X H I B I T S
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20	20 Also Present:	20	
21	21 Archbishop Gregory	21	
22	22 Jason Lachapelle, Videographer	22	
23		23	
24		24	

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<p>1           THE VIDEOGRAPHER: Here begins          2           videotape number 1 in the deposition of          3           Father Panteleimon in the matter of Society          4           of the Holy Transfiguration Monastery, Inc.          5           versus Archbishop Gregory of Denver,          6           Colorado, in the United States District          7           Court for the District of Massachusetts,          8           Case Number 07-12387-RGS.</p> <p>9           Today's date is September 16th, 2009.          10          The time on the video monitor is nine          11          o'clock.</p> <p>12          The video operator today is Jason          13          Lachapelle, a notary public contracted by          14          O'Brien &amp; Levine Court Reporting Service,          15          195 State Street, Boston, Massachusetts.          16          This deposition is taking place at O'Brien          17          &amp; Levine.</p> <p>18          Counsel, please voice identify          19          yourselves and state whom you represent.</p> <p>20          MR. INGOLD: My name is Chris Ingold          21          of the law firm of Irwin &amp; Boesen from          22          Denver, Colorado. I represent the          23          defendant, Archbishop Gregory.</p> <p>24          MS. BROSIUS: I am Amy Brosius of</p>	<p>1           that we're going to waive the requirement          2           for an identification card identifying the          3           deponent; is that correct?</p> <p>4           MS. BROSIUS: That's correct.</p> <p>5           MR. INGOLD: Okay. And also I          6           understood before the deposition began that          7           there may be some problem with him hearing,          8           and so I'm going to try to keep my voice          9           up.</p> <p>10          THE WITNESS: I hear now.</p> <p>11          MR. INGOLD: If I'm too loud, let me          12          know to be more quiet.</p> <p>13          THE WITNESS: No. That's fine.</p> <p>14          MR. INGOLD: Otherwise, I've got a          15          pretty good speaking voice.</p> <p>16          THE WITNESS: It's good. Good, good.</p> <p>17          MR. INGOLD: Okay.</p> <p>18          MS. BROSIUS: Okay.</p> <p>19          MR. INGOLD: And, certainly, as we          20          discussed in e-mails, if we need breaks,          21          just let me know.</p> <p>22          MS. BROSIUS: Okay.</p> <p>23          MR. INGOLD: Okay. And -- and if you          24          don't mind, I'll rely on you to let me know</p>
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<p>1           Fish &amp; Richardson in Boston, Massachusetts,          2           representing the plaintiff, Society of the          3           Holy Transfiguration Monastery, Inc.</p> <p>4           MS. HAMILTON: I'm Maria Hamilton,          5           Fish &amp; Richardson -- Fish &amp; Richardson as          6           well. Also representing the Holy          7           Transfiguration Monastery.</p> <p>8           THE VIDEOGRAPHER: The court reporter          9           today is Jim Scally. Would the reporter          10          please swear in the witness.</p> <p>11          FATHER PANTELEIMON, having been duly          12          sworn by the Notary Public, was examined          13          and testified upon his affirmation as          14          follows in answer to direct          15          interrogatories:</p> <p>16          MS. BROSIUS: Can I just note before          17          we begin that Father Panteleimon's medical          18          condition may require that we take some          19          frequent breaks for food and -- and -- and          20          drink.</p> <p>21          MR. INGOLD: Sure. And, Ms. Brosius,          22          I think we had talked before the deposition</p>	<p>1           that a break is needed.</p> <p>2           MS. BROSIUS: Is that fair?</p> <p>3           THE WITNESS: Good.</p> <p>4           MS. BROSIUS: Good.</p> <p>5           MR. INGOLD: Okay.</p> <p>6           BY MR. INGOLD:</p> <p>7           Q. Good morning.</p> <p>8           A. Good morning.</p> <p>9           Q. In some information in this case, we asked, "With          10          respect to Father Panteleimon, identify the following," and          11          we got an answer back that I wanted to check with you.</p> <p>12          You were the founder of the Holy Transfiguration          13          Monastery?</p> <p>14          A. Correct.</p> <p>15          Q. Okay. When was that monastery founded?</p> <p>16          A. 1960.</p> <p>17          Q. 1960. Where was the monastery founded?</p> <p>18          A. Haverhill, Massachusetts.</p> <p>19          Q. What does it mean to found a monastery?</p> <p>20          A. The first monastic in the community.</p> <p>21          Q. Okay.</p> <p>22          A. Or the future community.</p> <p>23          Q. And where did you come from to bring the authority          24          to found the monastery?</p>

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<p>1     <b>A.</b> From the Holy Mountain of Athos in Greece.      2     <b>Q.</b> Okay. Had you renounced your American citizenship      3 to live on Mount Athos?      4     <b>A.</b> No.      5     <b>Q.</b> The response to some questions we asked also said      6 that you are currently with Holy Transfiguration Monastery      7 the elder?      8     <b>A.</b> Yes. Founding.      9     <b>Q.</b> Okay. And what does it mean to be the elder?      10    <b>A.</b> Spiritual father.      11    <b>Q.</b> Okay.      12    <b>A.</b> Director. Spiritual director.      13    <b>Q.</b> Like a desert father?      14    <b>A.</b> No, not necessarily. Elder means like the older      15 one.      16    <b>Q.</b> Okay.      17    <b>A.</b> An elder, what that word designates in English.      18    <b>Q.</b> So not like a desert father, but a --      19    <b>A.</b> Well --      20    <b>Q.</b> Is it a title of age?      21    <b>A.</b> No. It also means, yes, a reverence, a certain      22 reverence as a spiritual father.      23    <b>Q.</b> Okay. But not like a desert father?      24    <b>A.</b> The Desert Fathers was another institution; they</p>	<p>1     members of Holy Transfiguration stopped commemorating the      2 bishops of the Russian Orthodox Church Outside of Russia?      3     <b>A.</b> A little previous.      4     <b>Q.</b> A little previous before that, okay.      5         Just trying to get a time frame. So that would      6 have been around 1986?      7     <b>A.</b> I don't remember.      8     <b>Q.</b> Okay. But --      9     <b>A.</b> Around, yes, around.      10    <b>Q.</b> Around that time?      11    <b>A.</b> Yes.      12    <b>Q.</b> Okay.      13    <b>A.</b> '85, '86. I don't know. I don't remember.      14    <b>Q.</b> The response to the question went on to say that      15 currently with Holy Transfiguration Monastery, you are      16 abbot emeritus.      17    <b>A.</b> Yes.      18    <b>Q.</b> Okay.      19    <b>A.</b> Emeritus, right.      20    <b>Q.</b> And what does it mean to be the current abbot      21 emeritus of Holy Transfiguration Monastery?      22    <b>A.</b> It's a position, respected position, seniority.      23    <b>Q.</b> Okay. And are the members of the monastic      24 community of Holy Transfiguration Monastery, are they under</p>
<p style="text-align: center;">Page 10</p> <p>1     were hermits.      2     <b>Q.</b> With? Would you have disciples?      3     <b>A.</b> The disciples are the members of the community.      4     <b>Q.</b> Okay. So Holy Transfiguration Monastery, would      5 all the members of the monastery be counted as your      6 disciples?      7         MS. BROSIUS: Objection.      8     <b>A.</b> Yes. Yes.      9     <b>Q.</b> Okay. The --      10    <b>A.</b> Followers. Disciples, followers.      11    <b>Q.</b> Okay. The answer to a question we asked went on      12 to say that you are also currently at Holy Transfiguration      13 Monastery the spiritual director.      14    <b>A.</b> No. I'm retired.      15    <b>Q.</b> Okay. You would be the spiritual father, but not      16 the spiritual director of Holy Transfiguration Monastery?      17    <b>A.</b> Right. Correct.      18    <b>Q.</b> Who is the current spiritual director at Holy      19 Transfiguration?      20    <b>A.</b> The abbot. The abbot.      21    <b>Q.</b> Okay. When did you stop being the spiritual      22 director at Holy Transfiguration Monastery?      23    <b>A.</b> The middle '80s.      24    <b>Q.</b> Okay. Was it around the time that Holy -- the</p>	<p style="text-align: center;">Page 12</p> <p>1     your authority?      2     <b>A.</b> No. They're under the authority of the abbot.      3     <b>Q.</b> Okay. And that is?      4     <b>A.</b> Father Isaac.      5     <b>Q.</b> Okay. And can I refer to him, then, as Abbot      6 Isaac?      7     <b>A.</b> Yes, of course.      8     <b>Q.</b> Okay. All right. You are currently abbot      9 emeritus. Would it be respectful if I were to refer to you      10 as abbot?      11    <b>A.</b> No.      12    <b>Q.</b> Abbot Panteleimon?      13    <b>A.</b> No.      14    <b>Q.</b> Okay.      15    <b>A.</b> No. We don't have that in the Greek church.      16    <b>Q.</b> Okay.      17    <b>A.</b> See, in the Russian church, you can have many      18 abbots in a monastery. It's just a title.      19    <b>Q.</b> Okay.      20    <b>A.</b> It's not the superior. You can have many      21 archimandrites, and that's -- in the Greek typikon, it's      22 different.      23    <b>Q.</b> But I could refer to you as Abbot Emeritus      24 Panteleimon?</p>

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<p>1      <b>A.</b> Yes, but no one does.      2      <b>Q.</b> Okay.      3      <b>A.</b> It's not church usage. I'm founder. I'm referred      4      to as founder and commemorated as founder.      5      <b>Q.</b> Okay.      6      <b>A.</b> First, and then the abbot after.      7      <b>Q.</b> So you could be referred to as Founder      8      Panteleimon?      9      <b>A.</b> Yes.      10     <b>Q.</b> Okay.      11     <b>A.</b> Yes. Ktetor, ktetor in Greek. It's a title.      12     <b>Q.</b> Okay. Your initial profession was to the Russian      13     Monastery of St. Panteleimon on Mount Athos?      14     <b>A.</b> Right. Right.      15     <b>Q.</b> What does it mean to make an initial profession?      16     <b>A.</b> That's where I was tonsured.      17     <b>Q.</b> Okay. As a rassophor monk?      18     <b>A.</b> As a rassophor monk.      19     (Discussion off the record.)      20     <b>A.</b> It's to be tonsured, to be a monk. That's when      21     one's name changes. He's given a new name.      22     <b>Q.</b> That was when you were tonsured as a rassophor      23     monk?      24     <b>A.</b> Right.</p>	<p>1      Russian Monastery of St. Panteleimon on Mount Athos, you      2      migrated over to The Hermitage of St. John the forerunner      3      of New Skete?      4      <b>A.</b> No. No.      5      <b>Q.</b> Okay. Help me understand what happened next.      6      <b>A.</b> I was not a Greek citizen.      7      <b>Q.</b> Okay.      8      <b>A.</b> To live on the Holy Mountain, you have to be a      9      Greek citizen, according to the Greek civil law, and they      10     have a civil governor on the Holy Mountain. Although the      11     Holy Mountain is supposed to be autonomous, self-governing,      12     it's part of the Greek nation, and therefore they have a      13     civil governor. I was advised by the monastery and by the      14     American Council of Thessaloniki, who visited the monastery      15     at the time of Pascha, resurrection of our savior, with the      16     admiral of the Fifth Fleet in the Mediterranean, not to      17     change my citizenship, because in the Balkans they have a      18     political upheavals, and they had some sad events at the      19     end of the Second World War in the Holy Mountain. They      20     arrested monks; they exiled them; they put them in prison,      21     that they collaborated with the German occupation, that      22     they -- which was all slander.      23     <b>Q.</b> Were those the communists in Greece?      24     <b>A.</b> Well, also, they had the communist civil war right</p>
<p>1      <b>Q.</b> Okay. Were you also entered into the Small and      2      the Great Schema at the Russian Monastery of St.      3      Panteleimon?      4      <b>A.</b> No, no.      5      <b>Q.</b> Okay. After you were tonsured a rassophor monk at      6      St. Panteleimon on Mount Athos, you migrated over to The      7      Hermitage of St. John, the forerunner of New Skete on Mount      8      Athos?      9      MS. BROSIUS: Objection.      10     <b>A.</b> No.      11     MR. INGOLD: Form or foundation, so I      12     can cure?      13     MS. BROSIUS: Leading question.      14     MR. INGOLD: I'm sorry?      15     MS. BROSIUS: Leading question.      16     MR. INGOLD: Of an adverse witness?      17     MS. BROSIUS: Go ahead, Chris.      18     MR. INGOLD: Okay. All right.      19     BY MR. INGOLD:      20     <b>Q.</b> Well -- that's fine. I was trying to understand      21     so that I could cure.      22     <b>A.</b> Yeah.      23     <b>Q.</b> But that's fine. I won't try.      24     After you were tonsured a rassophor monk at the</p>	<p>1      after --      2      <b>Q.</b> Okay.      3      <b>A.</b> -- the Germans retreated. So they were -- and      4      told me, "Father, don't change your citizenship." But that      5      meant every three months I had to get permission, as a      6      foreigner, to remain in the Holy Mountain. And I had to      7      have a document with stamps, and I'd pay, you know, for the      8      stamps, et cetera, et cetera. But that could not go on      9      indefinitely. So after a year I was given a release by the      10     Holy Mountain -- by the monastery of St. Panteleimon. I      11     have that on file, my release, canonical release.      12     (Discussion off the record.)      13     <b>A.</b> St. Panteleimon. That's how I got the name. They      14     gave me the name of the saint of the monastery.      15     And while I was on the Holy Mountain, I visited      16     hermitages and other monasteries for -- as a pilgrim, but      17     as a rassophor monk of St. Panteleimon. As a novice, they      18     don't allow you to go out and visit anywhere outside the      19     monastery. Once I was tonsured, I had a blessing, and      20     always with a blessing, I could go and come.      21     And I went to New Skete to give greetings to      22     Father Joseph, whose spiritual father Ephraim was in the      23     United States at the time, and he told me to give many      24     greetings to his spiritual father there. And to the</p>

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<p>1 young -- a young monk, Joseph of Cyprus, who just reposed,      2 and he had four brothers in the city I was born. And they      3 told me to tell their brother that I knew all his nephews      4 and their families and many greetings, et cetera. So I --      5 I went to give greetings; that's how I met the Elder Joseph      6 first time.</p> <p>7 Q. Okay. From your point in time that you were      8 tonsured a rassophor monk at St. Panteleimon on Mount      9 Athos, how long before you then went over to The Hermitage      10 of St. John, the forerunner of New Skete?</p> <p>11 A. It wasn't The Hermitage of St. John, the      12 forerunner.</p> <p>13 Q. Okay.</p> <p>14 A. That was at Little St. Anne. That was a cave.      15 (Discussion off the record.)</p> <p>16 A. It was -- it was St. John the forerunner was a      17 cave hermitage, and Little St. Anne's not at New Skete. At      18 New Skete, it was many different little cells, because      19 there were many different members of the same brotherhood,      20 and they didn't live in one place; they lived at different      21 houses in the skete. A skete is like a village, a      22 spiritual monastic village. And so that it was not deemed      23 St. John, the forerunner.</p> <p>24 Q. It was St. Anne's?</p>	<p>1 Mountain. So when I returned, because I had to leave the      2 Holy Mountain from St. Panteleimon monastery, and so then I      3 went to Constantinople, Istanbul, which is a seat of -- of      4 the orthodox church, and I interceded with the patriarch to      5 try to get a special dispensation of the Greek government      6 that I could live on the Holy Mountain without changing my      7 citizenship.</p> <p>8 I was told by the consul in -- the American consul      9 that if I changed citizenship, I would no longer be an      10 American citizen, although I was born in the States. And      11 that if I ever want to visit, I had to get a visa.</p> <p>12 Q. So the ecumenical patriarch, did he give you,      13 then, dispensation --</p> <p>14 A. No.</p> <p>15 Q. -- or did he intercede with the --</p> <p>16 A. No. He told me he was very happy to see me. He      17 knew me as a little boy. He had baptized me when I was a      18 baby, because he was the archbishop in the United States      19 before he became patriarch in Constantinople. And he told      20 me, "Stay here in Constantinople. I will pay your" -- when      21 you go to university, you pay what, your --</p> <p>22 Q. Tuition?</p> <p>23 A. Tuition. To go to the Theological School of      24 Halki.</p>
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<p>1 A. No, no. St. Anne's is where the -- St. John's      2 forerunner was --</p> <p>3 Q. Oh, okay.</p> <p>4 A. -- Little St. Anne's.</p> <p>5 Q. So the village or the skete --</p> <p>6 A. New Skete. Nea Skiti. New Skete.</p> <p>7 Q. Okay. So the group, the skete, that Elder      8 Joseph --</p> <p>9 A. Right.</p> <p>10 Q. -- was the elder of was simply called New Skete?</p> <p>11 A. Right. And they had three hermitages in that      12 skete.</p> <p>13 Q. Okay. Who gave the blessing for you to transfer      14 from St. Panteleimon on Mount Athos to New Skete?</p> <p>15 A. Since I had a release, I was free to ally -- ally      16 myself anywhere. I could go anywhere.</p> <p>17 Q. And Elder Joseph accepted you into New Skete?</p> <p>18 A. He adopted me.</p> <p>19 Q. Okay. And from New Skete and the care of Elder      20 Joseph, you then came to the United States --</p> <p>21 A. Right.</p> <p>22 Q. -- to found Holy Transfiguration Monastery?</p> <p>23 A. Well, not -- not -- not exactly that. Since I did      24 not become a Greek citizen, I could not stay on the Holy</p>	<p>1 Q. Which is in Istanbul?</p> <p>2 A. On an island in the -- in the sea.</p> <p>3 Q. Okay.</p> <p>4 A. One of the Princess Islands of Constantinople.      5 "And then we'll make you deacon and we'll make you      6 priest and you'll be here, and after many years here, we'll      7 send you back to the United States in an elevated      8 position." In other words, "We'll make you a bishop," et      9 cetera.</p> <p>10 I wasn't looking to be a priest or a deacon or a      11 bishop. I wanted to be a monk. And since I did not find a      12 monastic environment in Constantinople, I left --</p> <p>13 Q. Okay.</p> <p>14 A. -- after 11 days being a guest in the patriarchate      15 itself.</p> <p>16 Q. So you went back to New Skete?</p> <p>17 A. No. I went back to Greece.</p> <p>18 Q. Okay.</p> <p>19 A. I couldn't go to the Holy Mountain except now as a      20 guest. I had to get permission from the ministry of      21 exterior affairs, et cetera, et cetera. And you get --</p> <p>22 Q. Let's -- let's move forward to where you      23 founded --</p> <p>24 A. So then what happens is --</p>

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<p>1       <b>Q.</b> -- the Holy Transfiguration Monastery. Where did      2 you come from immediately before founding --      3       <b>A.</b> So --      4       <b>Q.</b> -- Holy Transfiguration Monastery?      5       <b>A.</b> All right. After -- after Constantinople, I came      6 back to Greece.      7       <b>Q.</b> Okay.      8       <b>A.</b> And there's a law in Greece that if you have Greek      9 parentage, after 18 continuous months of residency, you      10 automatically become a Greek citizen, and you can be      11 drafted in the Greek Army, if you're a male. So I exit      12 before the 18 months.      13       I went to Jerusalem, and I looked around there to      14 see if I could settle in the -- and I lived in monasteries      15 in the desert, the Judean Desert. But I didn't find the      16 typikon and the spiritual life that we had on the Holy      17 Mountain.      18       So I returned to Greece, but then I had a re-entry      19 so I could have another 18 months before I automatically      20 became a Greek citizen, according to the Greek government.      21 And the American government said, "If that's the case,      22 you're still American for us, but we can't interfere," he      23 said, "with the Greek government," which claims any      24 children born of Greek parents after 18 months in residency</p>	<p>1 summer of 1960, and I was made Schema monk in 1960.      2       <b>Q.</b> At what --      3       <b>A.</b> At the cell of the elder.      4       <b>Q.</b> The cell of the Elder Joseph?      5       <b>A.</b> Which was the annunciation.      6       <b>Q.</b> As part of the --      7       <b>A.</b> Their -- their --      8       <b>Q.</b> -- skete of New Skete?      9       <b>A.</b> Yeah. The synodia of -- of the Elder Joseph.      10      <b>Q.</b> And who was the bishop or the authority --      11      <b>A.</b> The elder at the time was Father Arsenios.      12      <b>Q.</b> Arsenios.      13      MS. BROSIUS: I was going to --      14 excuse me. I don't mean to interrupt. I      15 think it would be helpful if you don't talk      16 over one another, because the court      17 reporter --      18      THE WITNESS: Okay.      19      MS. BROSIUS: -- can't transcribe      20 two --      21      THE WITNESS: All right.      22      MS. BROSIUS: -- people two people      23 talking. So if we can wait for Chris to      24 finish, and you can --</p>
Page 22	Page 24
<p>1       in Greece become Greek citizens automatically. "So just go      2 out for a day to Italy and come back, and then you're      3 fine."      4       So I came back to Greece. Then I visited the      5 holy -- as a visitor, I had to get permission from the      6 Greek government, the ministry of exterior affairs. And      7 then I went to New Skete and stayed with the Elder Joseph.      8 And from there, I came back to the United States.      9       <b>Q.</b> For --      10      <b>A.</b> That was now 1958 I went.      11      <b>Q.</b> Where did you enter into the Small Schema?      12      <b>A.</b> I didn't enter the small. I went from rassophor      13 to Great Schema.      14      (Discussion off the record.)      15      <b>A.</b> From rassophor, from being a monk, simple monk, to      16 the final vows, solemn vows, directly.      17      <b>Q.</b> And that was under Elder Joseph?      18      <b>A.</b> No. He had reposed.      19      <b>Q.</b> Okay.      20      <b>A.</b> He reposed in 1959. I returned to the United      21 States in 1958. And I was a guest of a bishop in Boston;      22 that's why I'm in Boston.      23      <b>Q.</b> So where were you entered into the Great Schema?      24      <b>A.</b> I went back to the Holy Mountain in 1960, in the</p>	<p>1      THE WITNESS: All right.      2      MS. BROSIUS: -- wait for him to      3 answer, and we'll -- we'll take it down a      4 little.      5      <b>A.</b> Arsenios was the elder. And he's the one who      6 sponsored me --      7      <b>Q.</b> Okay.      8      <b>A.</b> -- into the Schema.      9      <b>Q.</b> Okay. Now, you and I have been discussing      10 technical things like rassophor, tonsure, Small Schema,      11 Great Schema. Are these aspects of orthodoxy?      12      <b>A.</b> Yes. Monasticism.      13      <b>Q.</b> All right. I would like to hand you what's marked      14 as Exhibit 84.      15      And while he's off the record, if we can go off      16 the record, what I do is I'd say "I'm going to hand you      17 what's marked as," and I actually hand it to the court      18 reporter to mark it and hand it to you. But it makes for a      19 cleaner deposition if I just say "I'm going to hand you      20 what's marked as," and then --      21      THE STENOGRAPHER: So this is 84?      22      MR. INGOLD: This is 84.      23      (Exhibit 84, brochure entitled "The      24 Orthodox Faith," marked.)</p>

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<p>1                   (Discussion off the record.)</p> <p>2 BY MR. INGOLD:</p> <p>3       <b>Q.</b> Founder Panteleimon, have you ever seen this</p> <p>4 document before?</p> <p>5       <b>A.</b> No.</p> <p>6       <b>Q.</b> I'll represent to you that it comes off of the</p> <p>7 website TrueOrthodoxy.</p> <p>8       <b>A.</b> No, no. I have not -- never seen it before.</p> <p>9       <b>Q.</b> Well, it actually begins on the second page, and</p> <p>10 then it comes back to the first page. So if you can take a</p> <p>11 look at the second page.</p> <p>12       <b>A.</b> Where?</p> <p>13       <b>Q.</b> At the upper right-hand corner on the second page</p> <p>14 is actually the beginning. These actually are -- are</p> <p>15 folded, and so they open up.</p> <p>16       <b>A.</b> So what -- I -- I -- I read it, yes.</p> <p>17       <b>Q.</b> Do these look like pretty basic principles of the</p> <p>18 orthodox faith?</p> <p>19                  MS. BROSIUS: Objection.</p> <p>20       <b>Q.</b> From what you're able to see in your hands?</p> <p>21       <b>A.</b> I would need time to study it. It looks, yes,</p> <p>22 fine, but I mean I would have to really sit down and read</p> <p>23 the whole thing in context to know what's going on.</p> <p>24       <b>Q.</b> Well, let's just look at the first sentence on the</p>	<p>1                   (Exhibit 85, brochure entitled "The</p> <p>2 Orthodox Church," marked.)</p> <p>3       <b>Q.</b> I'll represent to you that this document is also</p> <p>4 off of the website TrueOrthodoxy. Have you ever seen this</p> <p>5 document before?</p> <p>6       <b>A.</b> No, no, no.</p> <p>7       <b>Q.</b> So let's look at the same thing, second page,</p> <p>8 upper left-hand corner, just even looking at the first</p> <p>9 sentence there, "The Orthodox Church is the church of</p> <p>10 apostolic -- apostolic tradition and apostolic succession,</p> <p>11 the faithful and true church of Christ." Is that a true</p> <p>12 statement?</p> <p>13       <b>A.</b> True, true.</p> <p>14       <b>Q.</b> Okay. Are you and the members of the monastery of</p> <p>15 Holy Transfiguration Monastery members of the orthodox</p> <p>16 church?</p> <p>17       <b>A.</b> We believe so.</p> <p>18       <b>Q.</b> Okay. Is the current Russian Orthodox Church</p> <p>19 Outside of Russia part of the orthodox church?</p> <p>20       <b>A.</b> Yes and no.</p> <p>21       <b>Q.</b> Okay. How so?</p> <p>22       <b>A.</b> As long as the confession is right, yes. Where</p> <p>23 they're off and they've had now difficulties in which is</p> <p>24 the Russian church now outside Russia. There are four</p>
<p style="text-align: center;">Page 26</p> <p>1 second page there. It says, "We believe in accepting and</p> <p>2 obeying the whole apostolic tradition, both what the</p> <p>3 Apostles taught the church in person and what they taught</p> <p>4 through their writings."</p> <p>5       Is that a correct statement of orthodox doctrine?</p> <p>6                  MS. BROSIUS: Objection.</p> <p>7       <b>A.</b> I don't even see the writings.</p> <p>8       <b>Q.</b> Upper left-hand corner.</p> <p>9       <b>A.</b> Upper left-hand -- oh, yes, this here.</p> <p>10      <b>Q.</b> The very top.</p> <p>11      <b>A.</b> Yes, yes.</p> <p>12      <b>Q.</b> "We believe in accepting and obeying the whole</p> <p>13 apostolic tradition, both what the Apostles taught the</p> <p>14 church in person and what they taught through their</p> <p>15 writings."</p> <p>16      <b>A.</b> Correct.</p> <p>17      <b>Q.</b> Is that correct --</p> <p>18      <b>A.</b> That's correct.</p> <p>19      <b>Q.</b> -- orthodox doctrine?</p> <p>20      <b>A.</b> Correct.</p> <p>21                  MS. BROSIUS: Objection. Just give</p> <p>22 me a moment. Thank you.</p> <p>23      <b>Q.</b> Let me show you what's been marked as Deposition</p> <p>24      Exhibit 85.</p>	<p style="text-align: center;">Page 28</p> <p>1 parts. They've had a great blowup, a schism.</p> <p>2       <b>Q.</b> Well, let's talk about it. There's the Orthodox</p> <p>3 Church of America.</p> <p>4       <b>A.</b> Yes.</p> <p>5       <b>Q.</b> There's the autonomous Russian Orthodox Church</p> <p>6 Outside of Russia.</p> <p>7       <b>A.</b> Right.</p> <p>8       <b>Q.</b> There's the Moscow patriarchate --</p> <p>9       <b>A.</b> Right.</p> <p>10      <b>Q.</b> -- and then there's the catacomb churches.</p> <p>11      <b>A.</b> In many groups, the catacomb churches.</p> <p>12      <b>Q.</b> Right. Are those the four parts you were speaking</p> <p>13 of?</p> <p>14      <b>A.</b> No, no. The synod abroad itself --</p> <p>15      <b>Q.</b> Okay.</p> <p>16      <b>A.</b> -- is broken up.</p> <p>17      <b>Q.</b> So you're talking just about ROCOR --</p> <p>18      <b>A.</b> ROCOR.</p> <p>19      <b>Q.</b> -- is in four parts. Okay.</p> <p>20      Which part would you find to still be the orthodox</p> <p>21 church?</p> <p>22      <b>A.</b> Three parts.</p> <p>23      <b>Q.</b> Name them.</p> <p>24      <b>A.</b> The one that separated itself from those that</p>

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<p>1       united to the Moscow patriarchate, united themselves; the      2       one under Bishop Valentine's synod, and the one under      3       Agathangelos Synod. But then there's another group under      4       Tikhon. So there's a lot of groups.      5              (Discussion off the record.)      6       THE VIDEOGRAPHER: Going off the      7       record. The time is 9:25.      8              (Recess.)      9       THE VIDEOGRAPHER: We're back on the      10      record. The time is 9:37.      11      MR. INGOLD: Okay. If the court      12      reporter could just read back the last      13      question.      14              (Record read.)      15      A. I said, now, you see, we don't belong to them, so      16      I think the names are right, but I would say just as a      17      general, those that are not in communion with the Moscow      18      patriarchate.      19      Q. Okay. So since the Russian orthodox --      20      A. They're not in communion among themselves either,      21      for technical reasons.      22      Q. Since the Russian Orthodox Church Outside of --      23      A. Russia.      24      Q. -- Russia is in communion with the Moscow</p>	<p>1       Q. What do you say, then, is the --      2       A. They are out -- they are out of order. We are not      3       in communion with them.      4       Q. Are they --      5       A. We would not be. We would not be in communion      6       with them.      7       Q. Are they outside the orthodox church?      8       A. Well, you know, that's a technical thing, outside      9       the orthodox church. They identify themselves and they --      10      as orthodox. They occupy the ancient sees. We consider      11      all the ancient sees in captivity now.      12      Q. Okay.      13      A. In captivity of heresy. That's why we're not in      14      communion with them.      15      Q. So I'm just trying to understand the framework      16      within which Holy Transfiguration Monastery is operating.      17      Is there any of the ancient patriarchal seats that you      18      would say is still part of the orthodox church in apostolic      19      succession?      20              MS. BROSIUS: Objection.      21      A. I don't think I'm competent to be answering all      22      this. I'm sorry. This is just -- how do you call it? You      23      should ask our bishops.      24      Q. Okay.</p>
<p style="text-align: center;">Page 30</p> <p>1       patriarchate as an autonomous church, are you saying that      2       no one in that church is in the orthodox church?      3       A. Well, they still claim that they're Russian      4       Orthodox Church Outside of Russia, the original one, the      5       ones that didn't go into communion with the Moscow      6       patriarchate; they still claim that -- the title.      7       Q. And what bishops govern that?      8       A. They made a bishop in the United States, Father      9       Andronik. Bishop Andronik.      10      Q. Of what state and city?      11      A. I don't know. I think he's in New York.      12      Q. Okay.      13      A. I don't know. He was a priest in Jerusalem at the      14      Russia mission there, and then he came here when the -- the      15      problems began, and he was ordained bishop.      16      Q. Is the church under the Patriarch of Antioch part      17      of the orthodox church?      18              MS. BROSIUS: Objection. I'm going      19      to object to this line of questions as      20      irrelevant.      21      A. They claim they are.      22      Q. Okay. What do you say?      23      A. They're out of order. They're in the heresy of      24      ecumenism.</p>	<p style="text-align: center;">Page 32</p> <p>1       A. I refuse to --      2       Q. I'm -- I'm sorry?      3       A. I am not the person to. Ask our bishops.      4       Q. Okay. I'm just trying to understand your      5       knowledge.      6       A. Our knowledge is that we are orthodox, continuing      7       the traditions of the orthodox church, and that we don't      8       participate in these movements, which are dubious and which      9       have led in captivity the ancient patriarchates, the      10      ancient sees.      11      Q. How about your personal knowledge? Based on your      12      personal knowledge of orthodoxy, are any of the ancient      13      patriarchal seats still part of the orthodox church, your      14      personal knowledge?      15              MS. BROSIUS: Objection.      16      A. They're part, out of order, though.      17      Q. What does that mean?      18      A. That means they're not writing divine the word of      19      truth and not teaching sound doctrine. But I can't say      20      that they're Protestants or Roman Catholics or Hindus or      21      Muslims or -- they identify themselves orthodox. We do      22      not -- we are not in communion with them because they are      23      out of order. If they would come back into order, of      24      course we'd be in communion with them.</p>

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<p>1       <b>Q.</b> Is there any canon that governs --</p> <p>2       <b>A.</b> There's many canons.</p> <p>3       <b>Q.</b> Is there any canon that governs whether they could</p> <p>4       be brought back into communion with --</p> <p>5       <b>A.</b> Many canons.</p> <p>6            MS. BROSIUS: Objection. Let's</p> <p>7       just -- sorry. Just let's just try to keep</p> <p>8       it a little more moderated.</p> <p>9            THE WITNESS: Yeah.</p> <p>10          MR. INGOLD: Moderated in what way,</p> <p>11          Ms. Brosius?</p> <p>12          MS. BROSIUS: In that we don't speak</p> <p>13          over one another.</p> <p>14          MR. INGOLD: Sure.</p> <p>15          MS. BROSIUS: It's difficult to</p> <p>16          transcribe that way.</p> <p>17          THE WITNESS: Yeah.</p> <p>18          MS. BROSIUS: Thank you.</p> <p>19       BY MR. INGOLD:</p> <p>20          <b>Q.</b> Maybe this is a good time to jump in, because a</p> <p>21          lot of times, attorneys will meet with their clients before</p> <p>22          a deposition, and I do not want to know anything you've</p> <p>23          spoken about with your attorney, but I do -- I just want to</p> <p>24          ask you a few questions.</p>	<p>1       <b>Q.</b> Are you -- are you familiar with The Rudder?</p> <p>2       <b>A.</b> Yes, of course.</p> <p>3       <b>Q.</b> What is The Rudder?</p> <p>4       <b>A.</b> It's a collection of the canons and the decisions</p> <p>5       of the ecumenical councils, the seven ecumenical councils,</p> <p>6       and local councils that were ratified by the ecumenical</p> <p>7       councils.</p> <p>8       <b>Q.</b> And also the Apostolic Canons?</p> <p>9       <b>A.</b> Yes.</p> <p>10       <b>Q.</b> Okay. I'm going to provide you with what will be</p> <p>11       marked as Deposition Exhibit 86.</p> <p>12            (Exhibit 86, document entitled</p> <p>13            "NPNF2-14. The Seven Ecumenical Councils,"</p> <p>14            marked.)</p> <p>15       <b>Q.</b> Can you take a moment and look at that document.</p> <p>16       <b>A.</b> Well, what part of it?</p> <p>17       <b>Q.</b> Probably the table of contents would help.</p> <p>18            MS. BROSIUS: I'm so sorry.</p> <p>19       <b>A.</b> It's a long table of contents.</p> <p>20       <b>Q.</b> Let's look at Roman numeral III, which would be on</p> <p>21       the second page, Roman numeral III on the bottom. There's</p> <p>22       two pages per page.</p> <p>23       <b>A.</b> Yes.</p> <p>24       <b>Q.</b> Roman numeral III says "Table of Contents" at the</p>
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<p>1       Do you understand that your attorney may object</p> <p>2       during this deposition?</p> <p>3       <b>A.</b> Yes, but I don't understand it all.</p> <p>4       <b>Q.</b> Okay.</p> <p>5       <b>A.</b> I don't understand why --</p> <p>6       <b>Q.</b> Do you --</p> <p>7       <b>A.</b> -- one or the other objects.</p> <p>8       <b>Q.</b> Okay. Do you understand that when I ask a</p> <p>9       question, it would be helpful if you would pause for a</p> <p>10       moment so that she could slip that objection in?</p> <p>11       <b>A.</b> Oh, yes.</p> <p>12       <b>Q.</b> Okay.</p> <p>13       <b>A.</b> Yes, right. I should remember that.</p> <p>14       <b>Q.</b> And -- and I'll also try to do the same and -- and</p> <p>15       make sure that you've finished answering before I proceed.</p> <p>16       And that way maybe we can make the court reporter happier.</p> <p>17       <b>A.</b> Good.</p> <p>18       <b>Q.</b> What canons would govern Holy Transfiguration</p> <p>19       Monastery going back into communion with any of the ancient</p> <p>20       patriarchal seats?</p> <p>21            MS. BROSIUS: Objection.</p> <p>22       <b>A.</b> It's too technical a situation to go into now in</p> <p>23       five minutes, ten minutes. It would take a very long time</p> <p>24       to pinpoint and to --</p>	<p>1       top?</p> <p>2       <b>A.</b> Yes.</p> <p>3       <b>Q.</b> Okay. Do you see "The First Ecumenical Council: The First Council of Nicaea"?</p> <p>4       <b>A.</b> Yes.</p> <p>5       <b>Q.</b> Is that a council that provided canons that the</p> <p>6       church must obey?</p> <p>7            MS. BROSIUS: Objection.</p> <p>8       <b>A.</b> I don't understand the question.</p> <p>9       <b>Q.</b> Do you find the canons of the First Ecumenical</p> <p>10       Council to be authoritative and binding on your life as a</p> <p>11       monk?</p> <p>12            MS. BROSIUS: Objection. You can</p> <p>13       answer.</p> <p>14            THE WITNESS: I can answer?</p> <p>15            MS. BROSIUS: Uh-huh.</p> <p>16       <b>A.</b> Binding for all Christians, all orthodox</p> <p>17       Christians, yes.</p> <p>18       <b>Q.</b> Okay. See -- see, that's my question. The canons</p> <p>19       in The Rudder --</p> <p>20       <b>A.</b> Yes.</p> <p>21       <b>Q.</b> -- they bind and govern your life as an orthodox</p> <p>22       Christian, do they not?</p> <p>23       <b>A.</b> Yes.</p>

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1        MS. BROSIUS: Objection.	1        Holy and Ecumenical Seventh Council."
2        Q. Okay. So the canons out of the First Ecumenical	2        A. Correct.
3        Council would be one part of the canons of The Rudder; is	3        MS. BROSIUS: Objection.
4        that correct?	4        Q. Those canons are also binding on the life of
5        MS. BROSIUS: Objection.	5        orthodox Christians, are they not?
6        A. Right.	6        MS. BROSIUS: Objection.
7        Q. Okay. Let's look at the next page, which is Roman	7        A. Right.
8        numeral IV, and it has "The Canons of the Councils of	8        Q. Okay. And the Seventh Ecumenical Council also
9        Ancyra, Gangra," et cetera, et cetera. Those local	9        ratified what's known as local councils in those canons; is
10      councils were ratified by ecumenical councils, were they	10      that correct?
11      not?	11      MS. BROSIUS: Objection.
12      MS. BROSIUS: Objection.	12      A. Correct.
13      A. Yes, correct.	13      Q. And those canons are also binding on the life of
14      Q. So they're also binding on your life as an	14      orthodox Christians, correct?
15      orthodox Christian?	15      MS. BROSIUS: Objection.
16      MS. BROSIUS: Objection. You may	16      A. Correct.
17      answer.	17      Q. Yes?
18      A. Correct.	18      A. Correct.
19      Q. Let's go on down to Roman numeral IX. The Second	19      Q. Okay. And the councils also ratified, of course,
20      Ecumenical Council, those canons also are binding on the	20      the Apostolic Canons, did they not?
21      life of orthodox Christians, are they not?	21      MS. BROSIUS: Objection.
22      MS. BROSIUS: Objection.	22      A. Correct.
23      A. Correct.	23      Q. And those canons are binding on the life of the
24      MR. INGOLD: Counsel, can you give a	24      orthodox Christians, are they not?
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1        form or foundation objection so that I --	1        A. Correct.
2        MS. BROSIUS: It's a relevance -- a	2        MS. BROSIUS: Objection.
3        relevancy objection.	3        Q. Is it these canons that we've just been talking
4        MR. INGOLD: Okay. All right. Thank	4        about all together that are The Rudder that is described in
5        you.	5        the answers of Holy Transfiguration Monastery to some of
6        Q. The next page, Roman numeral X, the Third	6        our questions?
7        Ecumenical Council, that also provided canons that are	7        MS. BROSIUS: Objection.
8        binding and authoritative for orthodox Christians, does it	8        A. I would think so, correct.
9        not?	9        Q. Okay. So these canons that we've just been
10      MS. BROSIUS: Objection.	10      talking about, if I refer to those as The Rudder, you know
11      A. Correct.	11      what I'm talking about, do you not?
12      Q. The next page, Roman numeral XI, the Fourth	12      A. Yes.
13      Ecumenical Council, same thing, right, canons binding on	13      Q. Okay. Is The Rudder binding and authoritative on
14      your life as an orthodox Christian?	14      the life of the members of Holy Transfiguration Monastery?
15      A. Correct.	15      MS. BROSIUS: Objection. I just want
16      MS. BROSIUS: Objection.	16      to note for the record that -- excuse me --
17      Q. The next page, the Fifth Ecumenical Council?	17      Father Panteleimon is here to speak in his
18      MS. BROSIUS: Objection.	18      individual capacity, not as a 30(b)(6)
19      A. Correct.	19      representative --
20      Q. Those canons are also binding on orthodox	20      THE WITNESS: Yes.
21      Christians, are they not?	21      MS. BROSIUS: -- of HTM.
22      MS. BROSIUS: Objection.	22      MR. INGOLD: That's fine. That's not
23      A. Correct.	23      a form or foundation objection. And he is
24      Q. If you go to Roman numeral XXI, "The Canons of the	24      the founder of Holy Transfiguration

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<p>1       Monastery, so he might know whether The      2       Rudder is binding on its members. Is that      3       fair?      4           MS. BROSIUS: I've lodged my      5       objection.      6           MR. INGOLD: Okay. And I've lodged      7       my response to your objection.      8 BY MR. INGOLD:      9           Q. Founder Panteleimon --      10          A. Yes, correct, correct.      11          Q. Well, let me get a clear question so we can get a      12       clear answer.      13          Founder Panteleimon, is The Rudder in fact, and      14       all the canons of The Rudder that we've just been      15       describing, binding and authoritative on the members of      16       Holy Transfiguration Monastery?      17           MS. BROSIUS: Objection.      18          A. Correct.      19          Q. I'm sorry?      20          A. Correct.      21          Q. Okay. Why?      22           MS. BROSIUS: Objection.      23          A. We're orthodox Christians.      24          Q. Okay. Can you be an orthodox Christian and reject</p>	<p>1           A. I'm not competent to --      2           Q. Okay.      3           A. -- judge.      4           Q. What does it mean to reject canons as opposed to      5       simply make mistakes? What's the difference?      6           MS. BROSIUS: Objection. Excuse me.      7           MR. INGOLD: Counsel, I'll give you a      8       standing objection, if you want, just to      9       help things run more smoothly.      10          MS. BROSIUS: To all questions      11       related to --      12          MR. INGOLD: To relevance.      13          MS. BROSIUS: Thank you. To all      14       questions related to the canons, yes.      15          MR. INGOLD: Sure, okay.      16          A. When a person makes mistakes or not bearing in      17       mind can -- certain canons, it doesn't mean he disrespects      18       or he tramples them underfoot. It means that it escaped      19       his attention at that moment. But the Church of Antioch      20       synodically, they have trampled and rejected many canons,      21       and so they're way out of order, and we would not be in      22       communion with them until they come back to order.      23          Q. Okay. So that's how important the canons of The      24       Rudder are: They can't be rejected and you remain an</p>
<p style="text-align: center;">Page 42</p> <p>1       the canons of The Rudder?      2          A. You can, but not in good order.      3          Q. Okay. So that's like the members --      4           (Discussion off the record.)      5          Q. Could you repeat your last statement? Can you be      6       an orthodox Christian and reject the canons of The Rudder?      7          A. No.      8           MS. BROSIUS: Objection.      9          A. Not reject.      10       Q. Okay. What were you saying about you can be but      11       not in good order; what do you mean by that?      12       A. People sometimes make mistakes, people, and then      13       they repent.      14       Q. Okay. So the members of the Antiochian Orthodox      15       Church under the patriarchate of Antioch, would those      16       members have rejected the canons of The Rudders, or some of      17       them, or would they simply be outside of order and still      18       orthodox Christians?      19       A. They --      20           MS. BROSIUS: Objection.      21          A. They have trampled upon many of the canons.      22          Q. So have they rejected them or are they still      23       orthodox Christians?      24           MS. BROSIUS: Objection.</p>	<p style="text-align: center;">Page 44</p> <p>1       orthodox Christian; is that correct?      2          A. Correct.      3          Q. I've got my exhibits a little bit out of order      4       here. (Pause.)      5          Are there any canons of The Rudder that can be      6       ignored?      7          A. I don't think so.      8          Q. Let me hand you what's been or will be marked as      9       Exhibit 87.      10       (Exhibit 87, 12/15/60 agreement of      11       association, marked.)      12       Q. Do you recognize Exhibit 87? Take your time, and      13       then let me know.      14          A. Yes.      15          Q. What is Exhibit 87?      16          A. It was the incorporation of the Society of Holy      17       Transfiguration Monastery.      18          Q. How is that the same or different than founding      19       the monastery?      20          A. Since we live in a country with civil laws, we      21       have to abide by the civil laws, and we -- we don't have      22       to, from a church point of view, incorporate, but from a      23       civil point of view, we, to be in order, have to      24       incorporate, to be a legal body, a recognized body, by the</p>

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<p>1 government, by the authorities.</p> <p>2 Q. So you're a founder of, what, the religious order</p> <p>3 of the Holy Transfiguration Monastery?</p> <p>4 A. Correct.</p> <p>5 Q. And you're an incorporator of the Society of the</p> <p>6 Holy Transfiguration Monastery, Incorporated?</p> <p>7 A. Right.</p> <p>8 Q. Okay. Do you understand what is meant by</p> <p>9 corporate person or corporate life?</p> <p>10 A. To a certain degree, but not the -- the fine</p> <p>11 points.</p> <p>12 Q. And that's fine. I want you to understand I'm not</p> <p>13 asking for any legal opinion from you.</p> <p>14 A. Yes.</p> <p>15 Q. No corporate lawyer opinions. I'm asking your</p> <p>16 personal perception and understanding.</p> <p>17 What is the distinction between the Society of</p> <p>18 Holy Transfiguration Monastery, Incorporated versus the</p> <p>19 order of the brotherhood of Holy Transfiguration Monastery?</p> <p>20 In other words, how do they operate, the same or different?</p> <p>21 Are there different leaders?</p> <p>22 A. We are not --</p> <p>23 MS. BROSIUS: Objection.</p> <p>24 MR. INGOLD: Form or foundation?</p>	<p>1 Q. Okay. So he provides some leadership and</p> <p>2 direction?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Is he also the head of the corporation, the</p> <p>5 Society of the Holy Transfiguration Monastery,</p> <p>6 Incorporated?</p> <p>7 A. I don't know the legal parts. I don't know. I'm</p> <p>8 not in a position to answer that.</p> <p>9 Q. How about when you were the abbot of Holy</p> <p>10 Transfiguration Monastery? Were you the head of the</p> <p>11 corporation as well?</p> <p>12 A. That I don't know either. I would think so, but I</p> <p>13 don't know.</p> <p>14 Q. Let -- let me help you understand the context in</p> <p>15 which my questions are being asked.</p> <p>16 A. Yeah, yeah.</p> <p>17 Q. Because that may be helpful. And to do that,</p> <p>18 let's take a look at what was previously marked as</p> <p>19 Deposition Exhibit 35. Have you previously seen this</p> <p>20 document?</p> <p>21 A. No.</p> <p>22 Q. Okay. You're looking at something, the first page</p> <p>23 of which reads "Complaint" about in the middle of the page,</p> <p>24 correct?</p>
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<p>1 MS. BROSIUS: Form.</p> <p>2 MR. INGOLD: Okay.</p> <p>3 A. We are not living in a Christian commonwealth, an</p> <p>4 orthodox Christian empire. So, therefore, since there is</p> <p>5 no government which is orthodox, we have to abide by the</p> <p>6 governments we live in, the countries we live in, and</p> <p>7 that's abiding by -- even St. Paul says that we are to, as</p> <p>8 long as it doesn't interfere with our faith, to abide.</p> <p>9 Q. Okay. So the current authority for Holy</p> <p>10 Transfiguration Monastery is Abbot Isaac?</p> <p>11 A. He's the abbot.</p> <p>12 Q. Okay. So the --</p> <p>13 A. But it's not just one person. It's --</p> <p>14 Q. Right.</p> <p>15 A. -- council, and then we have a synaxis. Once a</p> <p>16 week we get together, the whole brotherhood.</p> <p>17 Q. Okay.</p> <p>18 A. And we can voice ourselves; we can discuss things.</p> <p>19 Q. Okay. But Abbot Isaac would be -- I'm sorry.</p> <p>20 A. And there's an advisory council to the abbot.</p> <p>21 Q. Would --</p> <p>22 A. Officers.</p> <p>23 Q. Would Abbot Isaac be chief among the elders?</p> <p>24 A. Well, yes. He's the abbot.</p>	<p>1 A. Right.</p> <p>2 Q. And it says "Society of the Holy Transfiguration</p> <p>3 Monastery, Incorporated, plaintiff, versus Archbishop</p> <p>4 Gregory of Denver, Colorado," correct?</p> <p>5 A. Correct.</p> <p>6 Q. So that's the corporation suing an individual</p> <p>7 clergyman, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. So is there a difference, then, between the</p> <p>10 brotherhood of Holy Transfiguration Monastery regarding</p> <p>11 this lawsuit and the corporation?</p> <p>12 MS. BROSIUS: Objection.</p> <p>13 A. We're one entity.</p> <p>14 Q. Okay. So the corporation and the brotherhood are</p> <p>15 actually one entity?</p> <p>16 A. Yes.</p> <p>17 Q. Is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. So the corporation is the face of the brotherhood</p> <p>20 toward the civil government; is that correct?</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 A. Right. Correct.</p> <p>23 MR. INGOLD: Form or foundation?</p> <p>24 MS. BROSIUS: It's asking for a legal</p>

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<p>1 conclusion.</p> <p>2 MR. INGOLD: Okay.</p> <p>3 Q. Again, so that you understand, I don't want you to</p> <p>4 provide me with any legal opinions or try to act as a</p> <p>5 lawyer; is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. Of course.</p> <p>9 Q. I simply want to understand what your perceptions</p> <p>10 are as a former abbot and a current abbot emeritus of Holy</p> <p>11 Transfiguration Monastery. Is that understandable?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Can you answer my questions just in that</p> <p>14 capacity and not try to act as a lawyer?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. I hope.</p> <p>18 Q. So let me ask that question again with that</p> <p>19 understanding, that you will not be providing any kind of</p> <p>20 legal conclusions.</p> <p>21 Is, in your perception, the Society of the Holy</p> <p>22 Transfiguration Monastery, Incorporated, the corporation,</p> <p>23 the face of the brotherhood toward the civil government?</p> <p>24 MS. BROSIUS: Objection.</p>	<p>1 corporation, to act toward, say, other churches with which</p> <p>2 you are in communion?</p> <p>3 MS. BROSIUS: Objection.</p> <p>4 A. When we had an orthodox kingdom, an orthodox</p> <p>5 monarchy, everything was done through the church at the</p> <p>6 monasteries. Since we don't have an orthodox kingdom, and</p> <p>7 we are now separate from the civil situation, and we don't</p> <p>8 have canon law which governs also, today in the American</p> <p>9 civil, the Old Testament, the New Testament, the Ten</p> <p>10 Commandments, do not hold any authority.</p> <p>11 Q. Let me ask you --</p> <p>12 A. Justinian law, civil law of the empire, the</p> <p>13 Byzantine Empire, which was incorporated and encoded by</p> <p>14 Justinian, of course recognized primarily the law of God,</p> <p>15 and therefore we did not have this dichotomy, and we did</p> <p>16 not have to have separate situation and corporation.</p> <p>17 Q. Founder Panteleimon, you've mentioned Justinian</p> <p>18 law. Do you recognize that the civil law of Byzantium was</p> <p>19 always a separate entity from ecclesiastical law?</p> <p>20 A. Wasn't separate.</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 A. It wasn't separate. It was intertwined.</p> <p>23 Q. It was intertwined, but there were two portions?</p> <p>24 A. Oh, yes, of course, of course. Because there were</p>
<p style="text-align: center;">Page 50</p> <p>1 A. Correct.</p> <p>2 MR. INGOLD: Form or foundation?</p> <p>3 MS. BROSIUS: Form.</p> <p>4 A. Correct.</p> <p>5 MR. INGOLD: Okay. What was wrong</p> <p>6 with the question? I'd like to cure it.</p> <p>7 MS. BROSIUS: Well, you know what,</p> <p>8 Chris -- okay, I'm going to alter my</p> <p>9 objection and it's on the basis that it was</p> <p>10 asked and answered.</p> <p>11 MR. INGOLD: Okay. All right.</p> <p>12 BY MR. INGOLD:</p> <p>13 Q. The brotherhood of Holy Transfiguration Monastery</p> <p>14 does not have a corporate face toward the church; is that</p> <p>15 correct?</p> <p>16 MS. BROSIUS: Objection.</p> <p>17 Q. In your perception.</p> <p>18 A. I don't understand the question.</p> <p>19 Q. Okay. The corporation is how the brotherhood</p> <p>20 deals with the civil government, correct?</p> <p>21 A. Correct.</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 Q. Is it, under the canons, appropriate, under The</p> <p>24 Rudder, for the brotherhood to use the civil form, the</p>	<p style="text-align: center;">Page 52</p> <p>1 members of the empire who were not Christians even.</p> <p>2 Q. And the members of the empire who were not</p> <p>3 Christian were still citizens --</p> <p>4 A. Yes.</p> <p>5 Q. -- of the empire?</p> <p>6 A. They were subject.</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 A. Subject.</p> <p>9 Q. I'm sorry?</p> <p>10 A. Subject to the laws of the -- of the empire.</p> <p>11 Q. And they were subject to the civil law, not to the</p> <p>12 canon law?</p> <p>13 A. Right.</p> <p>14 Q. Okay. But the Christians were subject to both the</p> <p>15 civil law of Byzantium as well as The Rudder?</p> <p>16 A. Right.</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 Q. Is that correct?</p> <p>19 A. Correct.</p> <p>20 Q. Is it your testimony here today that because</p> <p>21 Byzantium no longer exists, that the members of Holy</p> <p>22 Transfiguration Monastery have canons that they do not need</p> <p>23 to follow?</p> <p>24 MS. BROSIUS: Objection.</p>

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<p>1     <b>A.</b> No. It's canons that cannot be observed.      2     <b>Q.</b> Okay. So let's -- let's ask a question. You're      3     familiar that there is a canon which instructs orthodox      4     Christians to not bring a civil lawsuit against a fellow      5     Christian, correct?      6         MS. BROSIUS: Objection.      7     <b>A.</b> Correct.      8     <b>Q.</b> You're aware of that?      9     <b>A.</b> Yes.      10    <b>Q.</b> Is it your testimony here today that because      11   Byzantium no longer exists, that canon no longer applies to      12   orthodox Christians?      13    MS. BROSIUS: Objection.      14    <b>A.</b> In the Christian empire, it was done through the      15   hierarchy, through the church, and then the empire would      16   take action. Since we don't have that, then of course, in      17   order to protect oneself, they will have to appeal to the      18   civil authorities.      19    <b>Q.</b> Okay. So let me ask my question again, because      20   it's very simple.      21    <b>A.</b> Yes.      22    <b>Q.</b> Is it your testimony that because Byzantium no      23   longer exists --      24    <b>A.</b> Certain canons.</p>	<p>1     <b>Q.</b> Was St. Paul alive during the time of Byzantium or      2     before the Byzantine Empire?      3     <b>A.</b> He was before --      4         MS. BROSIUS: Objection.      5     <b>A.</b> -- the Byzantine Empire.      6     <b>Q.</b> Okay.      7     <b>A.</b> But you see how himself, when he found himself in      8     a difficult position, told the authorities, the civil      9     authorities, of a pagan empire, right, that "I am a Roman      10   citizen."      11    <b>Q.</b> But did he tell the people of Corinth that they      12   ought not be suing each other?      13         MS. BROSIUS: Objection.      14    <b>A.</b> In context, we can see things. But everything in      15   context. We see how he himself appealed to the civil      16   authorities, and he says, "You cannot judge me because" --      17   and therefore they had to send him to Rome to be judged.      18   They could not locally judge him in Palestine.      19    <b>Q.</b> Was he being sued by another Christian at that      20   time?      21         MS. BROSIUS: Objection.      22    <b>A.</b> No. He was by his own people accused, the Hebrews      23   of the time.      24    <b>Q.</b> And he was brought before Agrippa and Felix, was</p>
<p style="text-align: center;">Page 54</p> <p>1     <b>Q.</b> -- like the one where orthodox Christians should      2     not bring a civil suit against another orthodox Christian,      3     it's your testimony that canon is no longer observable?      4         MS. BROSIUS: Objection.      5     <b>A.</b> In -- in certain contexts. In certain contexts.      6     <b>Q.</b> Like what?      7     <b>A.</b> Well, as I said, when -- there isn't a hierarchy      8     that can solve the situation, that can take action, that is      9     accepted by the civil authorities also, then of course it      10   becomes a clear-cut situation of the civil authorities.      11   Since we're in corporation, that in itself is a statement,      12   we're in corporation. We have canon -- I mean we have      13   bylaws, and we abide by the bylaws.      14    <b>Q.</b> You're familiar with the canons that say an      15   orthodox Christian should not sue an orthodox Christian,      16   correct?      17         MS. BROSIUS: Objection.      18    <b>A.</b> Correct.      19    <b>Q.</b> Okay. Are you familiar with the writings of St.      20   Paul?      21    <b>A.</b> Yes.      22    <b>Q.</b> Did he also say the same thing?      23         MS. BROSIUS: Objection.      24    <b>A.</b> I don't remember in context any such thing.</p>	<p style="text-align: center;">Page 56</p> <p>1     he not?      2     <b>A.</b> Et cetera, et cetera, yes. That's in the Acts.      3     <b>Q.</b> Okay. So, really, he was appealing to Caesar to      4     postpone his own execution?      5         MS. BROSIUS: Objection.      6     <b>A.</b> Well, I mean he was -- his accusers would be      7     judged, you know, as a free Roman citizen.      8     <b>Q.</b> But it wasn't a lawsuit between him and another      9     Christian, was it?      10    <b>MS. BROSIUS:</b> Objection.      11    <b>A.</b> No, it wasn't, but --      12    <b>Q.</b> Should we observe his teaching in Corinthians that      13   Christians ought not sue each other?      14         MS. BROSIUS: Objection.      15    <b>A.</b> In context.      16    <b>Q.</b> What context?      17         MS. BROSIUS: Objection.      18    <b>A.</b> The context has to be it can't be just abstract.      19    Specific situations.      20    <b>Q.</b> Sometimes it might be appropriate for a Christian      21   to sue another Christian despite what's written in      22   Corinthians?      23    <b>A.</b> Absolutely.      24    <b>Q.</b> In this document --</p>

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<p>1     <b>A.</b> Yes. But, you know, my memory is -- this is many      2 years ago. Yes.</p> <p>3     <b>Q.</b> What would this document be, if you can recall?</p> <p>4     <b>A.</b> I don't recall. Let me see what it says here.</p> <p>5     Oh. Was this when we amended our bylaws? Who is the      6 lawyer? Let me see. Oh, John Davoren. No, that's      7 commonwealth. I think -- I don't -- I don't remember.</p> <p>8     <b>Q.</b> Let me see if I can help you and see if I can      9 refresh your memory. Would this be a document where, as a      10 monastic community, you decided to relocate to 278 Warren      11 Street?</p> <p>12    <b>A.</b> I have no memory.</p> <p>13    <b>Q.</b> Where is the monastery currently located      14 physically?</p> <p>15    <b>A.</b> Warren Street.</p> <p>16    <b>Q.</b> Okay.</p> <p>17    <b>A.</b> And it was 1970, yes.</p> <p>18    <b>Q.</b> Okay. So this document could reflect that move?</p> <p>19    <b>A.</b> Possibly, yes. Yes.</p> <p>20    <b>Q.</b> And it seems from this document, and you tell me      21 what actually happened, but the document at least seems to      22 me that the members voted on moving; is that correct?</p> <p>23    <b>A.</b> I don't know the legalities. I don't know.</p> <p>24    <b>Q.</b> Well -- well, that's what I'm asking you: Do you</p>	<p>1     <b>A.</b> 1962.</p> <p>2     <b>Q.</b> After you founded the Society of the Holy      3 Transfiguration Monastery, Incorporated, did you have any      4 disciples at that time?</p> <p>5     <b>A.</b> When it was founded?</p> <p>6     <b>Q.</b> Yes.</p> <p>7     <b>A.</b> No.</p> <p>8     <b>Q.</b> When did you start collecting disciples?</p> <p>9     <b>A.</b> There were people that had given a promise that      10 they would join. But they didn't join until one year      11 later. We incorporated in '61, you see. And in '62 came      12 the first, Father Arsenios, Richard Stockton in the world,      13 his secular name. He was a professor at the Holy Cross      14 Theological Seminary, a Harvard/Yale graduate, Fulbright      15 scholar; he was the first to be tonsured as a monk in the      16 community.</p> <p>17    <b>Q.</b> And were you at Haverhill at the time or Jamaica      18 Plain?</p> <p>19    <b>A.</b> No. Jamaica Plain.</p> <p>20    <b>Q.</b> Okay.</p> <p>21    <b>A.</b> He is the one that put down the down payment. I      22 had no money whatsoever to buy the property in Jamaica      23 Plain.</p> <p>24    <b>Q.</b> So from about 1962 to 1970, the physical location</p>
<p>Page 62</p> <p>1     recall how the move came to pass?</p> <p>2     <b>A.</b> No. We moved. We were so crowded, we had to      3 find new quarters. We found new quarters, and we moved. I      4 know the technicalities -- I don't understand the      5 technicalities of if we had to have a meeting to move, as a      6 corporation. Possibly that is -- you know, I don't      7 remember these things now after 40 years almost.</p> <p>8     <b>Q.</b> Sure. And -- and, again, please understand,      9 I'm -- I'm not asking you --</p> <p>10    <b>A.</b> Yes.</p> <p>11    <b>Q.</b> -- for the technicality --</p> <p>12    <b>A.</b> Yes.</p> <p>13    <b>Q.</b> -- or the legal opinions, simply what you can      14 remember factually in your perceptions.</p> <p>15    <b>A.</b> I remember that we found a place, we had      16 negotiated, we paid, and we moved.</p> <p>17    <b>Q.</b> So you moved from Haverhill to Warren?</p> <p>18    <b>A.</b> No, no, no. From Orchard Street in Jamaica Plain.</p> <p>19    <b>Q.</b> Okay. So there was a place in between Haverhill      20 and Warren Street?</p> <p>21    <b>A.</b> When we left -- I left Haverhill, I was homeless      22 for one year or two until we bought the house in Jamaica      23 Plain.</p> <p>24    <b>Q.</b> Okay.</p>	<p>Page 64</p> <p>1     of the brotherhood was at Jamaica Plains?</p> <p>2     <b>A.</b> Yes.</p> <p>3     <b>Q.</b> Okay. And how many monks or disciples came to be      4 part of the brotherhood between '62 and 1970?</p> <p>5     <b>A.</b> We were so many, we filled the house, which was      6 three floors. We had to rent two floors across the street      7 from our home. So -- the upper two levels. So we were      8 around 15 or more. I can't remember after all these years.</p> <p>9     <b>Q.</b> Now --</p> <p>10    <b>A.</b> But we were quite a few. We were so crowded we      11 had to relocate.</p> <p>12    <b>Q.</b> Let me make sure I understand the hierarchy within      13 a monastery. So please correct me if I'm wrong here. You      14 have novices who are people who come to the monastery to      15 see if that's the kind of life --</p> <p>16    <b>A.</b> Right.</p> <p>17    <b>Q.</b> -- they want to lead?</p> <p>18    <b>A.</b> Right.</p> <p>19    <b>Q.</b> You have rassophor monks, who have made a      20 commitment to become monks?</p> <p>21    <b>A.</b> Right.</p> <p>22    <b>Q.</b> You have monks who've entered the Small Schema --</p> <p>23    <b>A.</b> No, we don't have the Small Schema.</p> <p>24    <b>Q.</b> Not within the Greek tradition?</p>

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<p>1      <b>A.</b> No.</p> <p>2      <b>Q.</b> Okay.</p> <p>3      <b>A.</b> It was once upon a time, but over two centuries now on the Holy Mountain, they go from rassophor to the final vows --</p> <p>6      <b>Q.</b> Okay.</p> <p>7      <b>A.</b> -- Great Schema.</p> <p>8      <b>Q.</b> So from rassophor monks, they enter the Great Schema?</p> <p>10     <b>A.</b> Right.</p> <p>11     <b>Q.</b> Okay. And apart from that, you may have monks who, along the way or after they've entered the Great Schema, they become priests?</p> <p>14     <b>A.</b> Correct, clergyman.</p> <p>15     <b>Q.</b> Okay.</p> <p>16     <b>A.</b> Deacons, priests.</p> <p>17     <b>Q.</b> And in terms of the hierarchy among the clergy, they start out usually as a reader?</p> <p>19     <b>A.</b> Yes.</p> <p>20     <b>Q.</b> And then a chanter?</p> <p>21     <b>A.</b> No. Then a subdeacon --</p> <p>22     <b>Q.</b> Subdeacon.</p> <p>23     <b>A.</b> -- deacon and priest.</p> <p>24     <b>Q.</b> Okay. Are there -- is there any distinction at</p>	<p>1      which?</p> <p>2      THE WITNESS: That have</p> <p>3      patriarchates. Not all churches have</p> <p>4      patriarchates.</p> <p>5      <b>Q.</b> Okay. And the churches that do not have</p> <p>6      patriarchates, if they are part of the orthodox church,</p> <p>7      they're autonomous churches; is that correct?</p> <p>8      <b>A.</b> Yes. Yes, yes, yes.</p> <p>9      <b>Q.</b> Or autocephalous?</p> <p>10     <b>A.</b> Autocephalous.</p> <p>11     <b>Q.</b> Okay.</p> <p>12     <b>A.</b> Autocephalous.</p> <p>13     <b>Q.</b> Within the monastery, say between 1962 and 1970, was your word the law?</p> <p>15     MS. BROSIUS: Objection.</p> <p>16     <b>Q.</b> As the abbot of the monastery.</p> <p>17     <b>A.</b> It was the final word.</p> <p>18     <b>Q.</b> Okay.</p> <p>19     <b>A.</b> I wouldn't say law, you know.</p> <p>20     <b>Q.</b> Okay. Okay. But it was the final word?</p> <p>21     <b>A.</b> Well, yeah. Someone had to make decisions.</p> <p>22     <b>Q.</b> Okay. Is that the way it is today with Abbot Isaac?</p> <p>24     <b>A.</b> We started off as a small brotherhood, a skete.</p>
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<p>1      your monastery between readers and chanters?</p> <p>2      <b>A.</b> Yes. Technically, but I mean, yes, yes.</p> <p>3      <b>Q.</b> Okay.</p> <p>4      <b>A.</b> All the chanters are not readers.</p> <p>5      <b>Q.</b> Okay.</p> <p>6      <b>A.</b> Tonsured readers.</p> <p>7      <b>Q.</b> Okay. And after being a deacon, then they could enter the priesthood?</p> <p>9      <b>A.</b> Yes. We have canonical age. Can't be a deacon 'til 25, can't be a priest until 30 years old.</p> <p>11     <b>Q.</b> And is that set forth in the canons?</p> <p>12     <b>A.</b> Yes.</p> <p>13     <b>Q.</b> Okay. And after --</p> <p>14     <b>A.</b> But we have deacons that are perpetual deacons for life. So --</p> <p>16     <b>Q.</b> And the hierarchy above a priest would be a bishop; is that right?</p> <p>18     <b>A.</b> Right.</p> <p>19     <b>Q.</b> And then an archbishop or a metropolitan?</p> <p>20     <b>A.</b> Correct.</p> <p>21     <b>Q.</b> And then hopefully a patriarch?</p> <p>22     <b>A.</b> Yeah, in local churches, which have patriarchates.</p> <p>23     <b>Q.</b> Okay.</p> <p>24     THE STENOGRAPHER: In local churches</p>	<p>1      We're now a coenobic monastery. So we have a council.</p> <p>2      We're not two people; we're almost 40 people.</p> <p>3      <b>Q.</b> Okay.</p> <p>4      <b>A.</b> With our permanent visitors, we're over 40.</p> <p>5      <b>Q.</b> Okay.</p> <p>6      <b>A.</b> And so novices and monastics, I think we're 37; we might be a little more, but not under. So it's not now to five, six people, you know, where, you know, who would be the council, all of them? Do you know what I mean? So now we have the officers, which is a secretary, which is the treasurer, which -- you know, and by corporate law we have to have once a year a report. But then when we have decisions, we get together.</p> <p>14     <b>Q.</b> Okay.</p> <p>15     <b>A.</b> A council.</p> <p>16     <b>Q.</b> Now --</p> <p>17     <b>A.</b> With -- with the abbot, and the abbot has the final say. He has the final say.</p> <p>19     <b>Q.</b> At what point in the history of Holy Transfiguration Monastery did the monastery transform from being a skete to being a coenobic monastery?</p> <p>22     <b>A.</b> When we made our move because we were so many.</p> <p>23     <b>Q.</b> The move to Warren Street?</p> <p>24     <b>A.</b> Right. 1970.</p>

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<p>1       <b>Q.</b> Okay. And at the time you transformed from being      2 a skete to a coenobic monastery, that's when the change      3 occurred in terms of your word being the final word?</p> <p>4       <b>A.</b> Well, we were advised by a lawyer that we      5 should --</p> <p>6           MS. BROSIUS: Objection. I'm going      7 to caution just not to reveal the content      8 of any communications that you had with an      9 attorney --</p> <p>10          THE WITNESS: Oh.</p> <p>11          MS. BROSIUS: -- at the -- at the      12 time.</p> <p>13          THE WITNESS: I see.</p> <p>14    BY MR. INGOLD:</p> <p>15          <b>Q.</b> Yeah, I -- I don't want to hear anything like      16 that, but the facts would be important like --</p> <p>17          <b>A.</b> The facts were that we had to revise our typikon,      18 our order of things, since we are now not just a      19 brotherhood governed by one spiritual father; it's a -- it      20 was a whole community.</p> <p>21          <b>Q.</b> Okay. Was the positions of leadership at the      22 point that you moved to --</p> <p>23          <b>A.</b> Warren Street.</p> <p>24          <b>Q.</b> -- Warren Street, let's see, if we take a look at</p>	<p>1       Street?      2       <b>A.</b> See, the word "leadership" has many connotations.      3 We said we're still a monastery, and the final say is the      4 abbot.</p> <p>5       <b>Q.</b> Okay.</p> <p>6       <b>A.</b> But he has advisors, and he will -- he'll listen      7 to, you know, all the brotherhood. Even the novices have      8 an input, but they don't have decisions.</p> <p>9       <b>Q.</b> Are there canons that govern the role of the abbot      10 in a monastery?</p> <p>11          MS. BROSIUS: Objection.</p> <p>12          <b>A.</b> There must be.</p> <p>13          <b>Q.</b> Okay. If there was a final word to be said      14 between 1970 and the time that you stepped down as acting      15 abbot in the '80s, where did the final word rest? With you      16 alone or with some group of people?</p> <p>17          <b>A.</b> With -- it rests with the abbot alone.</p> <p>18          <b>Q.</b> With you?</p> <p>19          <b>A.</b> Myself.</p> <p>20          <b>Q.</b> So yours was the final word from the founding of      21 the monastery until you stepped down as acting abbot --</p> <p>22          <b>A.</b> Right.</p> <p>23          <b>Q.</b> -- in the 1980s?</p> <p>24          <b>A.</b> Right.</p>
<p style="text-align: center;">Page 70</p> <p>1       Exhibit 89, would that be yourself as the president of the      2 corporation, abbot of the monastery, the treasurer of the      3 corporation, and a monk named --</p> <p>4       <b>A.</b> Haralampus, correct.</p> <p>5       <b>Q.</b> Haralampus?</p> <p>6       <b>A.</b> Yes, Haralampus, yes.</p> <p>7       <b>Q.</b> And the clerk of the corporation and also a monk,      8 Ephraim?</p> <p>9       <b>A.</b> Right.</p> <p>10       <b>Q.</b> Who is now Bishop Ephraim?</p> <p>11       <b>A.</b> Right, metropolitan.</p> <p>12       <b>Q.</b> Okay. And the directors was everyone else in the      13 monastery, correct?</p> <p>14       <b>A.</b> Oh, no. There were more in the monastery than      15 that.</p> <p>16       <b>Q.</b> Okay. So the directors were -- can you read those      17 names?</p> <p>18       <b>A.</b> "Barnabas, deacon; Isaac, monk; Andrew, monk;      19 Gregory, monk."</p> <p>20       <b>Q.</b> Okay. And Gregory, monk would be who sits here      21 today as Archbishop Gregory?</p> <p>22       <b>A.</b> Correct.</p> <p>23       <b>Q.</b> Okay. So was this the leadership of the monastery      24 at the point in time that the move was made to Warren</p>	<p style="text-align: center;">Page 72</p> <p>1       <b>Q.</b> Is that correct?</p> <p>2       <b>A.</b> Correct.</p> <p>3       <b>Q.</b> Okay. And to this day, the final word would be      4 with the abbot of the monastery, and now that's Father      5 Isaac?</p> <p>6       <b>A.</b> Correct.</p> <p>7       <b>Q.</b> Okay.</p> <p>8           MS. BROSIUS: Do you need to take a      9 break and eat?</p> <p>10          MR. INGOLD: You know, we're at five      11 minutes to the end of the videotape. This      12 would be a perfect time, I think --</p> <p>13          THE WITNESS: All right.</p> <p>14          MR. INGOLD: -- to take a five-, ten-      15 minute break.</p> <p>16          THE VIDEOGRAPHER: This marks the end      17 of the videotape number 1 in the deposition      18 of Father Panteleimon. We're going off the      19 record. The time is 10:28.</p> <p>20          (Recess.)</p> <p>21          THE VIDEOGRAPHER: We're back on the      22 record. This marks the beginning of      23 videotape number 2 in the deposition of      24 Father Panteleimon. The time is 10:47.</p>

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<p>1 BY MR. INGOLD:</p> <p>2     <b>Q.</b> Founder Panteleimon, if you would go back to</p> <p>3 Deposition Exhibit 87 and let me know when you have that in</p> <p>4 front of you.</p> <p>5     <b>A.</b> Yes.</p> <p>6     <b>Q.</b> This is when you first formed the Holy</p> <p>7 Transfiguration Monastery --</p> <p>8     <b>A.</b> Right.</p> <p>9     <b>Q.</b> -- organization, correct?</p> <p>10    <b>A.</b> Correct.</p> <p>11    <b>Q.</b> Okay. This document actually has a section where</p> <p>12 it says, "The purpose for which the corporation is formed</p> <p>13 is as follows." Do you see that?</p> <p>14    <b>A.</b> Yes.</p> <p>15    <b>Q.</b> Would you read what follows?</p> <p>16    <b>A.</b> "To maintain, propagate, practice, and forever</p> <p>17 perpetuate religious worship, services, sacraments, and</p> <p>18 teachings in full accordance and unity with the doctrines,</p> <p>19 ritual, common law, faith, practice, discipline, tradition,</p> <p>20 and usages of the orthodox church, and for the carrying out</p> <p>21 of the said purpose and intent to maintain a monastic</p> <p>22 organization which will be adherent and obedient to the</p> <p>23 orthodox ecclesiastical jurisdiction and authority of the</p> <p>24 Holy Mountain, Athos. The founding of an orthodox</p>	<p>1     <b>A.</b> Yes.</p> <p>2     <b>Q.</b> Okay. The document says that you are under the</p> <p>3 ecclesiastical jurisdiction of Mount Athos, correct?</p> <p>4     <b>A.</b> Correct.</p> <p>5     <b>Q.</b> Does that mean that at that point in time, when it</p> <p>6 was founded, back in 1960, you were under the ecumenical</p> <p>7 patriarchate of Constantinople --</p> <p>8     <b>A.</b> Correct.</p> <p>9     <b>Q.</b> Okay. And so the bishops of the Greek</p> <p>10 archdioceses in the United States would have had</p> <p>11 jurisdiction over your monastery?</p> <p>12    <b>MS. BROSIUS:</b> Objection.</p> <p>13    <b>A.</b> No. No.</p> <p>14    <b>Q.</b> Okay. Did the patriarch grant you a dispensation</p> <p>15 to report directly to him and the bishops under him in</p> <p>16 Constantinople?</p> <p>17    <b>A.</b> No. We were directed to the Holy Mountain, and</p> <p>18 the Holy Mountain is responsible.</p> <p>19    <b>Q.</b> Okay. Was there a bishop on the Holy Mountain,</p> <p>20 Athos?</p> <p>21    <b>A.</b> No. They're retired bishops, but no ruling</p> <p>22 bishop.</p> <p>23    <b>Q.</b> Okay. So who was your superior that you would be</p> <p>24 the authority of --</p>
<p style="text-align: center;">Page 74</p> <p>1 monastery in the United States using the typikon of the</p> <p>2 Holy Mountain, Athos, to transplant, promote, and</p> <p>3 perpetuate orthodox monasticism in the United States. To</p> <p>4 promote and cultivate orthodox piety through missionary</p> <p>5 work, publications, holy icons, et cetera. To offer</p> <p>6 spiritual direction to the orthodox faithful." Period.</p> <p>7     <b>Q.</b> What you just read, was that in fact your intent</p> <p>8 in forming Holy Transfiguration Monastery?</p> <p>9     <b>A.</b> In all -- all purposes, yes.</p> <p>10    <b>Q.</b> That was --</p> <p>11    <b>A.</b> Not really. The first and foremost was the</p> <p>12 monastic life.</p> <p>13    <b>Q.</b> Okay.</p> <p>14    <b>A.</b> Everything else is extra.</p> <p>15    <b>Q.</b> Okay. Is there anything that you just read that</p> <p>16 was not true, that you didn't intend that to be true when</p> <p>17 it was written and put in the document?</p> <p>18    <b>A.</b> No. We intended -- we intended all the -- the</p> <p>19 articles to be true.</p> <p>20    <b>Q.</b> Okay. So primarily the focus was monasticism in</p> <p>21 the United States of America?</p> <p>22    <b>A.</b> Right.</p> <p>23    <b>Q.</b> But the other aspects written on this document as</p> <p>24 the purpose for the forming of the monastery are also true?</p>	<p style="text-align: center;">Page 76</p> <p>1     <b>A.</b> The --</p> <p>2     <b>Q.</b> -- on Mount Athos --</p> <p>3     <b>A.</b> The abbot of St. Paul's Monastery.</p> <p>4     <b>Q.</b> The abbot of St. Paul's?</p> <p>5     <b>A.</b> Since New Skete belongs to St. Paul's.</p> <p>6     <b>Q.</b> Okay.</p> <p>7     <b>A.</b> So our names were written, even the ones in the</p> <p>8 United States, in the list of monks of St. Paul's</p> <p>9 Monastery.</p> <p>10    <b>Q.</b> Okay. And that remained the case until the</p> <p>11 mid '60s when you came under the jurisdiction of the</p> <p>12 Russian Orthodox --</p> <p>13    <b>A.</b> Right.</p> <p>14    <b>Q.</b> -- Church Outside of Russia?</p> <p>15    <b>MS. BROSIUS:</b> Objection.</p> <p>16    <b>A.</b> Correct.</p> <p>17    <b>Q.</b> Okay. Did you understand my question just now?</p> <p>18    <b>A.</b> Yes.</p> <p>19    <b>Q.</b> What did I -- what did you take that to mean?</p> <p>20    <b>A.</b> That we were under the jurisdiction of the</p> <p>21 ecumenical through the monastery of St. Paul until 19 --</p> <p>22 until we came under the Russian Church Abroad.</p> <p>23    <b>Q.</b> Okay. And what do you mean by coming under the</p> <p>24 Russian Church Abroad?</p>

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<p>1      A. We made a petition and were accepted.</p> <p>2      Q. Okay. And what does it mean to be under the</p> <p>3      Russia Church Abroad?</p> <p>4      A. That our ruling bishops from then on was not</p> <p>5      Constantinople; it was the Russian Church Abroad.</p> <p>6      Q. Okay. And when you say your ruling bishops was --</p> <p>7      was not Constantinople, is that because even the patriarchs</p> <p>8      in the orthodox church are bishops?</p> <p>9      A. Of course, everyone's bishops.</p> <p>10     Q. Okay.</p> <p>11     A. Patriarchs are bishops.</p> <p>12     Q. Okay. Well, I mean it's -- it's a little</p> <p>13     different than the Catholic system, correct?</p> <p>14     A. Yes.</p> <p>15     Q. Where you have cardinals and --</p> <p>16     A. Yes.</p> <p>17     Q. -- et cetera, et cetera?</p> <p>18     A. Yes, yes, yes.</p> <p>19     Q. Okay. So the patriarchs are all bishops, first</p> <p>20     among equals?</p> <p>21     A. First among equals.</p> <p>22     Q. Okay. So you came under the bishops of the</p> <p>23     Russian Orthodox Church abroad; is that correct?</p> <p>24     A. Correct.</p>	<p>1      diaspora that fled to Harbin and to China. Others fled to</p> <p>2      Europe.</p> <p>3      Q. And he saw himself --</p> <p>4      A. In 1917. His father was a priest.</p> <p>5      Q. Philaret saw himself as the continuation of the</p> <p>6      Holy Russian Church Outside of Russia, correct?</p> <p>7      A. Correct.</p> <p>8      Q. Okay. And so in terms of apostolic succession,</p> <p>9      that's important, is it not?</p> <p>10     A. Yes.</p> <p>11     Q. Now, let me know make sure we understand each</p> <p>12     other about apostolic succession. Is the importance of</p> <p>13     apostolic succession in the orthodox church that any</p> <p>14     canonical clergyman should be able to trace his</p> <p>15     ecclesiastical lineage all the way back to the original</p> <p>16     disciples in the first century?</p> <p>17     A. Correct.</p> <p>18     Q. Okay. So Philaret was seen as the continuation of</p> <p>19     the Holy Russian Church tradition of apostolic succession,</p> <p>20     but now outside of Russia?</p> <p>21     A. After 1917, he was the third.</p> <p>22     Q. Okay.</p> <p>23     A. Not from 1917.</p> <p>24     Q. Okay. And who gave the instruction for the</p>
<p style="text-align: center;">Page 78</p> <p>1      Q. Now, I've heard the Russian Church Abroad, the</p> <p>2      Russian Orthodox Church of America, and the Russian</p> <p>3      Orthodox Church Outside of Russia. Those are all one and</p> <p>4      the same, correct?</p> <p>5      A. No, they were not one and the same.</p> <p>6      Q. Okay.</p> <p>7      A. Not the hierarchy-wise.</p> <p>8      Q. Okay.</p> <p>9      A. But they were all of Russian decent.</p> <p>10     Q. Tikhon was the patriarch in Russia prior to the</p> <p>11     communist revolution, correct?</p> <p>12     A. During.</p> <p>13     Q. And during the communist revolution.</p> <p>14     And after Tikhon came Philaret?</p> <p>15     A. No. After Tikhon, they abolished the patriarchal</p> <p>16     throne, the communists, and until the end of the Second</p> <p>17     World War, from the mid '20s, when Patriarch Tikhon was</p> <p>18     murdered, poisoned --</p> <p>19     Q. Okay.</p> <p>20     A. -- until 1945, the end of the Second World War,</p> <p>21     there was no patriarch.</p> <p>22     Q. So Metropolitan Philaret, how does he fit in the</p> <p>23     picture?</p> <p>24     A. He was from the Far East. He was from the Russian</p>	<p style="text-align: center;">Page 80</p> <p>1      autonomous Russian church to continue outside of Russia?</p> <p>2      MS. BROSUS: Objection.</p> <p>3      A. It was Patriarch Tikhon --</p> <p>4      Q. Okay.</p> <p>5      A. -- in an edict that he put out that if, because of</p> <p>6      the civil war, there were dioceses that were separated and</p> <p>7      could not communicate with the patriarchate, they were to</p> <p>8      govern themselves independently until they could again come</p> <p>9      into communications. He foresaw the persecution of the</p> <p>10     communists, that they were out to destroy the church and</p> <p>11     annihilate the church.</p> <p>12     Q. And that type of action in forming an</p> <p>13     autocephalous church is canonical, correct?</p> <p>14     A. Yes. Yes.</p> <p>15     (Discussion off the record.)</p> <p>16     Q. That type of action in forming an autonomous</p> <p>17     church is --</p> <p>18     A. Yes.</p> <p>19     Q. -- canonical --</p> <p>20     A. It's canonical.</p> <p>21     Q. -- is it not?</p> <p>22     A. Under the circumstances, yes.</p> <p>23     Q. Okay. It's in accord with The Rudder?</p> <p>24     A. Yes.</p>

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<p>1       <b>Q.</b> Okay. So was Philaret the direct successor, then,      2 of Tikhon?</p> <p>3           MS. BROSIUS: Objection.</p> <p>4       <b>A.</b> Not direct. We said there was Anthony, Anastassy,      5 and then Philaret.</p> <p>6       <b>Q.</b> Okay. And after Philaret --</p> <p>7       <b>A.</b> But not as patriarchs.</p> <p>8       <b>Q.</b> Right. As metropolitans?</p> <p>9       <b>A.</b> Metropolitans.</p> <p>10      <b>Q.</b> Okay. And a metropolitan is a bishop who has      11 leadership --</p> <p>12      <b>A.</b> Bishops.</p> <p>13      <b>Q.</b> -- among three or more bishops, correct?</p> <p>14      <b>A.</b> Correct. A synod.</p> <p>15      <b>Q.</b> Okay.</p> <p>16      <b>A.</b> President of the synod, first hierarchy.</p> <p>17      <b>Q.</b> Okay. So Philaret, his successor was Vitaly?</p> <p>18      <b>A.</b> Vitaly, right.</p> <p>19      <b>Q.</b> Okay. And Vitaly's successor was Laurus?</p> <p>20      <b>A.</b> Laurus.</p> <p>21      <b>Q.</b> And Laurus's successor now is Hilarion?</p> <p>22      <b>A.</b> Hilarion.</p> <p>23      <b>Q.</b> Okay. So that's the lineage of the Holy Russia      24 Church Outside of Russia --</p>	<p>1           return to orthodox teachings, which they had departed in      2 1965, and they signed, all the abbots, and then simple      3 priest monks and simple monks, which was signed by all the      4 members of our brotherhood there at the New Skete. And so      5 being part of New Skete and St. Paul's, we also stopped      6 commemorating the ecumenical patriarch.</p> <p>7           And for one year we were in limbo as to who to      8 come -- and then we were advised by the fathers of the Holy      9 Mountain -- we have a letter on file in Greek -- to search      10 out a jurisdiction in the new world since things were not      11 going to go well; they were going to become worse in the      12 orthodox world across. And they advised us that from what      13 they could surmise on the Holy Mountain, reading      14 publications, religious publications, that the Russian      15 Orthodox Church Abroad was most orthodox. At that time,      16 Metropolitan Philaret was not the first. It was      17 Metropolitan Anastassy, who reposed just right after. And      18 Philaret became.</p> <p>19           So on the basis of their recommendation, and I had      20 been acquainted also with the bishops, although we were not      21 under them in the United States, there was one archbishop      22 Seraphim in Chicago, and he was tonsured at St.      23 Panteleimon's monastery, where I was tonsured also.</p> <p>24           (Discussion off the record.)</p>
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<p>1       <b>A.</b> Outside.</p> <p>2       <b>Q.</b> -- that you came under in the mid '60s?</p> <p>3       <b>A.</b> Correct.</p> <p>4       <b>Q.</b> Okay. Why?</p> <p>5       <b>A.</b> Why what?</p> <p>6       <b>Q.</b> Why join with the Russian Church Outside of Russia      7 instead of staying under the ecumenical patriarchy --</p> <p>8       <b>A.</b> In 19 --</p> <p>9       <b>Q.</b> -- of Constantinople?</p> <p>10      (Discussion off the record.)</p> <p>11      <b>Q.</b> Okay. Yeah. Let me -- I -- ask the question so      12 that people could understand --</p> <p>13      <b>A.</b> Yes.</p> <p>14      <b>Q.</b> -- even though you and I may know what we're      15 talking about.</p> <p>16      <b>A.</b> Yes.</p> <p>17      <b>Q.</b> What was the reason for coming under the Russian      18 Orthodox Church Outside of Russia and leaving the      19 ecumenical patriarchate of Constantinople in the mid '60s?</p> <p>20      <b>A.</b> The Holy Mountain itself ceased to commemorate the      21 patriarch of Constantinople in 1965.</p> <p>22      <b>Q.</b> Okay.</p> <p>23      <b>A.</b> Including the Monastery of St. Paul to which we      24 belonged. And they made an appeal to the patriarchate to</p>	<p>1       <b>A.</b> And he was tonsured at the same monastery, he came      2 from Yugoslavia at the time. He was a Russian emigré after      3 the 1917 revolution, was tonsured in the '30s on the Holy      4 Mountain. I was tonsured in the '50s. And so there was a      5 bond. But there was just a bond, not ecclesiastically like      6 jurisdiction. It was just on a personal level. So --</p> <p>7       <b>Q.</b> Archbishop Seraphim, who was his successor, was      8 that Alypy?</p> <p>9       <b>A.</b> Yes.</p> <p>10      <b>Q.</b> Okay.</p> <p>11      <b>A.</b> Right.</p> <p>12      <b>Q.</b> And that's Archbishop Seraphim and Alypy who, one      13 or the other of them ordained Archbishop Gregory a priest?</p> <p>14      <b>A.</b> Right. Correct.</p> <p>15      <b>Q.</b> Okay. And they both gave him a blessing to form      16 the Dormition Skete --</p> <p>17      <b>A.</b> Correct.</p> <p>18      <b>Q.</b> -- in Colorado.</p> <p>19      <b>A.</b> Correct.</p> <p>20      <b>Q.</b> Okay. And you recognize that?</p> <p>21      MS. BROSIUS: Objection.</p> <p>22      <b>A.</b> Well, that was -- a blessing was given by them.      23 We could not overrule bishops. But we had our -- our      24 objections.</p>

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<p>1       <b>Q.</b> Sure.      2       <b>A.</b> And --      3       <b>Q.</b> But that brings up a good point, which is: Even      4       though your word is the final word in Holy Transfiguration      5       Monastery, every monastery, even on Mount Athos, is under a      6       bishop, if only directly under a patriarch, correct?      7       <b>A.</b> Correct.      8       <b>Q.</b> And that's because --      9       <b>A.</b> That's because we recognize the orthodox      10      hierarchy.      11      <b>Q.</b> They --      12      <b>A.</b> They're not independent of orthodox hierarchy.      13      <b>Q.</b> Bishops are rulers of the church?      14      MS. BROSIUS: Objection.      15      <b>A.</b> I wouldn't say rulers. Pastors.      16      <b>Q.</b> They are the shepherds of the church?      17      <b>A.</b> Shepherds. Pastors, shepherds.      18      <b>Q.</b> Okay. And so the authority of the bishop under      19      The Rudder must be respected even by monasteries?      20      <b>A.</b> Yes.      21      <b>Q.</b> Okay. And every monastery must be under the      22      authority of a bishop?      23      MS. BROSIUS: Objection.      24      <b>Q.</b> Is that correct?</p>	<p>1       <b>Q.</b> Okay. What are you looking at, Exhibit 82?      2       <b>A.</b> I first saw it yesterday.      3       <b>Q.</b> Okay.      4       <b>A.</b> I don't know when the translation was made. This      5       was run up in '59. This is before we came under the synod      6       abroad, and my attention was brought to certain -- I -- I      7       by myself, I came to see, and it has very nice situation in      8       order, you know.      9       <b>Q.</b> Okay. This document is entitled "Statute      10      Concerning Monasteries of the Russian Orthodox Church      11      Abroad," correct?      12      <b>A.</b> Yes, yes.      13      <b>Q.</b> Okay. And that is the autonomous --      14      <b>A.</b> Russian Church Abroad.      15      <b>Q.</b> -- Russian -- Holy Russian Church Abroad that you      16      came under the jurisdiction of --      17      <b>A.</b> Right.      18      <b>Q.</b> -- in the mid '60s?      19      <b>A.</b> Right. Right.      20      <b>Q.</b> Okay.      21      <b>A.</b> Although we never saw this at the time.      22      <b>Q.</b> Okay. Is there anything that you've seen in this      23      statute, Exhibit 82, that is against The Rudder or the      24      canons of The Rudder?</p>
<p style="text-align: right;">Page 86</p> <p>1       <b>A.</b> Correct. Correct.      2       <b>Q.</b> Why is that the case?      3       <b>A.</b> Because we belong to the church, and the church      4       has structure. It has hierarchy from bishop down to deacon      5       to laity.      6       <b>Q.</b> When you joined with the Russian Orthodox Church      7       Outside of Russia -- is -- is that how I should say it?      8       <b>A.</b> Yes.      9       <b>Q.</b> Did you commit yourself and the members of the      10      monastery to obedience to the bishops of the Russian      11      Orthodox Church Outside of Russia so long as they were      12      canonical?      13      <b>A.</b> Yes, of course.      14      MS. BROSIUS: Objection.      15      <b>A.</b> Yes, correct.      16      <b>Q.</b> Okay. I'm going to have you take a look at what's      17      previously been marked as Deposition Exhibit 82.      18      (Discussion off the record.)      19      (Exhibit 82, Statute Concerning      20      Monasteries of the Russian Orthodox Church      21      Abroad, marked.)      22      <b>Q.</b> Take your time. Let me know when you're -- when      23      you're familiar with what you're looking at.      24      <b>A.</b> Yes, yes.</p>	<p style="text-align: right;">Page 88</p> <p>1       <b>A.</b> I -- I did not read the whole thing and study it.      2       <b>Q.</b> Okay.      3       <b>A.</b> I glanced at it.      4       <b>Q.</b> Had you ever heard of this document before      5       yesterday?      6       <b>A.</b> Yes. There were -- everything was in Russian in      7       the Russian Church Abroad, that they had, you know,      8       regulations, et cetera, et cetera. To be received, we --      9       we did a petition, and we -- submitted a petition in      10      writing, but then I had to travel to New York to meet with      11      the whole bishops, even those from abroad, they had a big      12      sobor. And I had my own interpreter, a Serbian priest who      13      knew Russian very well and lived in the monastery with us.      14      And they were amazed that his Russian was so good. And      15      they asked me questions before they received us.      16      <b>Q.</b> Okay. And so what governed your relationship in      17      your mind between the brotherhood of Holy Transfiguration      18      Monastery and the Russian Orthodox Church Abroad was The      19      Rudder and the canons of The Rudder, correct?      20      <b>A.</b> It was spiritual, the spiritual authority.      21      <b>Q.</b> The spiritual authority of the canons?      22      <b>A.</b> The canons of the church, yes.      23      <b>Q.</b> Okay. So that makes The Rudder the only written      24      law that you were aware of governing --</p>

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<p>1      <b>A.</b> Yes.</p> <p>2      <b>Q.</b> -- your conduct --</p> <p>3      <b>A.</b> Yes.</p> <p>4      <b>Q.</b> -- as a brotherhood?</p> <p>5      <b>A.</b> Right.</p> <p>6      <b>Q.</b> Okay. Let me show you what we'll mark as Exhibit</p> <p>7      90.</p> <p>8                 (Exhibit 90, excerpt of ROCOR website</p> <p>9                 entitled "Decree of the Holy Sobor</p> <p>10                (Council) of the Russian Orthodox Church on</p> <p>11                Church Property and Finances," marked.)</p> <p>12                <b>Q.</b> And I'll represent to you that's something -- this</p> <p>13                is something I've just become aware of. And have you ever</p> <p>14                seen this before?</p> <p>15                <b>A.</b> I don't remember having seen it, no.</p> <p>16                <b>Q.</b> Well, let's read through it and see if you ever</p> <p>17                heard any of these when you were part of the Russian</p> <p>18                Orthodox Church. This purports to be a decree of the Holy</p> <p>19                Sobor. What would that be, a synod?</p> <p>20                <b>A.</b> Yes, synod.</p> <p>21                <b>Q.</b> Okay.</p> <p>22                <b>A.</b> Council.</p> <p>23                <b>Q.</b> It would -- so it would be all the bishops of the</p> <p>24                Russian Orthodox Church Abroad, that's the sobor, correct?</p>	<p>1      <b>Q.</b> This phrase --</p> <p>2      <b>A.</b> Our organization was spiritual, not</p> <p>3                 organizational, in the part of -- I mean that we were</p> <p>4                 incorporated in their incorporation.</p> <p>5      <b>Q.</b> This phrase in Exhibit 90, "Property belonging to</p> <p>6                 institution of the Russian Orthodox Church constitutes its</p> <p>7                 common property."</p> <p>8      <b>A.</b> Yeah.</p> <p>9      <b>Q.</b> Had you heard anything like that when you were</p> <p>10                part of the Russian --</p> <p>11      <b>A.</b> No.</p> <p>12      <b>Q.</b> -- Orthodox Church?</p> <p>13      <b>A.</b> No.</p> <p>14      <b>Q.</b> Okay.</p> <p>15      <b>A.</b> No.</p> <p>16      <b>Q.</b> Moving on to point number 2 of Exhibit 90, it</p> <p>17                says -- can you read that?</p> <p>18      <b>A.</b> Yes. "Individual ecclesiastical institutions</p> <p>19                holding properties" --</p> <p>20      <b>Q.</b> Number 2.</p> <p>21                 MS. BROSIUS: "Individual" --</p> <p>22      <b>A.</b> Oh. "The supreme authority in the administration</p> <p>23                of ecclesiastical property belongs to the All-Russian Holy</p> <p>24                Church Sobor."</p>
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<p>1      <b>A.</b> Yes, yes.</p> <p>2      <b>Q.</b> Okay. And it purports to be something enacted</p> <p>3                 back in 1918. "Basic Propositions. 1. Property belonging</p> <p>4                 to institutions of the Russian Orthodox Church constitutes</p> <p>5                 its common property." Did you ever know that when you were</p> <p>6                 part of the Russian Orthodox Church Abroad?</p> <p>7      <b>A.</b> No. To come back to Exhibit 82, article 15.</p> <p>8      <b>Q.</b> So you actually had some familiarity with that</p> <p>9                 statute --</p> <p>10     <b>A.</b> No, I didn't.</p> <p>11     <b>Q.</b> -- Exhibit 82?</p> <p>12     <b>A.</b> No. No. But I was impressed that it was part of</p> <p>13                the statute.</p> <p>14     <b>Q.</b> This is just something that you read yesterday?</p> <p>15     <b>A.</b> Right.</p> <p>16     <b>Q.</b> Let's focus on what you knew back in the '60s.</p> <p>17     <b>A.</b> I knew that the properties belonged to the</p> <p>18                communities.</p> <p>19     <b>Q.</b> Okay.</p> <p>20     <b>A.</b> Not to the synod or bishops.</p> <p>21     <b>Q.</b> Well, that's --</p> <p>22     <b>A.</b> They never -- they never told us that we would --</p> <p>23                to sign over any properties or any assets to the synod of</p> <p>24                bishops.</p>	<p>1      <b>Q.</b> Okay. Let's kind of break that apart to make sure</p> <p>2                 I understand what that says. Ecclesiastical property, is</p> <p>3                 that church property?</p> <p>4      <b>A.</b> That's church property.</p> <p>5      <b>Q.</b> Okay. And the final word on what to do with that</p> <p>6                 property belonged with who? The bishops?</p> <p>7      <b>A.</b> According to this, the bishops. The sobor.</p> <p>8      <b>Q.</b> Is that also canonical?</p> <p>9                 MS. BROSIUS: Objection.</p> <p>10     <b>A.</b> I have not gone into it to study it.</p> <p>11     <b>Q.</b> Okay.</p> <p>12     <b>A.</b> This was done in the sobor of the Russian church</p> <p>13                in '18 --</p> <p>14     <b>Q.</b> But --</p> <p>15     <b>A.</b> -- right after the revolution.</p> <p>16     <b>Q.</b> But the canons are before that, are they not?</p> <p>17     <b>A.</b> Yes, yes. But then --</p> <p>18     <b>Q.</b> So Exhibit 90 could either fit with the canons of</p> <p>19                the church or --</p> <p>20     <b>A.</b> Yes.</p> <p>21     <b>Q.</b> -- be against them?</p> <p>22     <b>A.</b> Well, not necessarily be against them. It can be</p> <p>23                a special instance. But that's why I want to bring your</p> <p>24                attention to 15 of -- of --</p>

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<p>1       <b>Q.</b> I -- I understand what 15 says about synodic      2 monasteries.      3       <b>A.</b> No, not about monasteries. About everything.      4 "The possession of a monastery, common or community, are      5 its property and registered in its name, which is why every      6 monastery, community, must take steps to become      7 incorporated as an entity. The possession of synod,      8 dioceses or monasteries are correspond the property of the      9 synod, dioceses, or monastery, just as the possession of      10 the stavropegial monastic brotherhoods are the properties      11 of the corresponding hierarchical residences."</p> <p>12     <b>Q.</b> When --      13     <b>A.</b> It's clear there that everyone owns its own      14 property.</p> <p>15     <b>Q.</b> When Holy Transfiguration Monastery and its      16 members stopped commemorating the bishops of the Russian      17 Orthodox Church Outside of Russia, what was given back to      18 the Russian Orthodox Church Outside of Russia?</p> <p>19     <b>A.</b> The antimensem.</p> <p>20     <b>Q.</b> And what is that?</p> <p>21     <b>A.</b> The antimensem is a piece of cloth which is open      22 during the liturgy to perform the holy liturgy. And it's      23 signed by the ruling bishop.</p> <p>24     <b>Q.</b> And what does it represent --</p>	<p>1       <b>Q.</b> And do you know --      2       <b>A.</b> We had chrism from before. We had -- you know, so      3 it was not -- they didn't even ask for it. They asked for      4 the antimensem, which we delivered to them.</p> <p>5       <b>Q.</b> Do you know, pursuant to the canons, what, if      6 anything, should have been returned?</p> <p>7           MS. BROSIUS: Objection.</p> <p>8       <b>A.</b> No. Nothing.</p> <p>9       <b>Q.</b> Do you know what the canons say on that point?</p> <p>10      <b>A.</b> As I say, I am not -- The Rudder, as you can see,      11 is very detailed. I have not gone into that. But I --      12 because I understand it, in the course, when individual      13 parishes left, it was granted that they had an      14 incorporation by the state they were, that the property      15 belonged to the parish and not the bishops. In every      16 instance, the courts granted them the right to secede and      17 take the property with them.</p> <p>18      <b>Q.</b> Going back to Exhibit 90, could you finish just      19 looking at that document. It would be faster if you just      20 read it and let me know when you're done so I can ask you      21 some questions.</p> <p>22      <b>A.</b> (Pause.) Yes.</p> <p>23      <b>Q.</b> Is there anything in Exhibit 90 that you in your      24 personal perception and belief that you believe or are of</p>
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<p>1       <b>A.</b> Every parish has to have one -- every altar has to      2 have an antimensem.</p> <p>3       <b>Q.</b> What does it represent?</p> <p>4       <b>A.</b> It represents that the liturgy is performed in the      5 name and the authority of the bishop who has consecrated      6 and who has signed the antimensem.</p> <p>7       <b>Q.</b> Which means?</p> <p>8       <b>A.</b> Who recognize him as the bishop.</p> <p>9       <b>Q.</b> The final --</p> <p>10      <b>A.</b> And so that belongs to him. It has his signature      11 on it.</p> <p>12      <b>Q.</b> The final ecclesiastical authority over the altar      13 and anyone attending the altar?</p> <p>14      <b>A.</b> Right.</p> <p>15      <b>Q.</b> Is --</p> <p>16      <b>A.</b> The bishop that's -- whose name is --</p> <p>17      <b>Q.</b> So when you stop commemorating the bishop, that      18 which belongs to the bishop --</p> <p>19      <b>A.</b> Is returned.</p> <p>20      <b>Q.</b> -- must be returned.</p> <p>21      <b>A.</b> That was returned.</p> <p>22      <b>Q.</b> Okay.</p> <p>23      <b>A.</b> There were no other items that were returned or      24 they asked us to return.</p>	<p>1       the opinion violates the canons of The Rudder?      2           MS. BROSIUS: Objection.</p> <p>3       <b>A.</b> We interpret. Everyone interprets the canons, and      4 there is room for interpretation.</p> <p>5       <b>Q.</b> But that's not my question. Do you see anything      6 in Exhibit 90 that you believe violates the canons of The      7 Rudder?</p> <p>8           MS. BROSIUS: Objection.</p> <p>9       <b>A.</b> I'm not conscious.</p> <p>10      <b>Q.</b> You're not conscious of anything --</p> <p>11      <b>A.</b> No.</p> <p>12      <b>Q.</b> -- here that violates the canons of The Rudder,      13 but you're not forming an opinion --</p> <p>14      <b>A.</b> No.</p> <p>15      <b>Q.</b> -- as to whether they do or not; is that correct?</p> <p>16      <b>A.</b> No. Correct.</p> <p>17      <b>Q.</b> Okay. Let me show you what's been marked as      18 Exhibit 91.      19           (Exhibit 91, excerpt of ROCOR website      20           entitled "Statutes and Regulations,"      21           marked.)</p> <p>22           MS. BROSIUS: Thank you.</p> <p>23      <b>Q.</b> If you'd just take a moment to look at that      24 document to see if you recognize it. Could you do that?</p>

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<p>1      A. Yes. I've -- I've never seen it before.      2      Q. So none of the things that are written here as you      3      glance at it seem familiar to you regarding --      4      A. No.      5      Q. -- the law governing the Russian Orthodox Church?      6      A. When we came into the Russian Church Abroad, there      7      were no non-Russians, and so everything was in Russian.      8      And since then, very recently, I would say, even after we      9      left, that things have been translated into English, seeing      10     now that even the Russian descent people don't know it,      11     their language, and it has to be in the common language of      12     the -- of the country, which is English. So we hadn't seen      13     these things. We knew they existed, of course. They had      14     to exist. But all these detailed situations, no.      15     We had an assessment we had to pay every month.      16     We paid it, gladly, for the upkeep of the synod building in      17     New York. The parishes had also to pay, and ours, because      18     we were a community, large, we had -- it was more than the      19     parishes, but we didn't object.      20     Q. Let's take a look back at Exhibit 87. Can you?      21     A. Yes, yes.      22     Q. Those purposes that are set forth in Exhibit 87,      23     how did you live those out as a monastic community?      24     MS. BROSIUS: Objection.</p>	<p>1      we're in this country, and the -- the members are natives,      2      our common language is English. Well, we didn't have the      3      services in English. At the time that we started      4      translating, I don't think even 10 percent of the      5      liturgical texts that we have were translated into English.      6      We had no official translation of the Scriptures, and      7      especially of The Psalter.      8      Q. And by official, you mean a translation --      9      A. An orthodox. From an orthodox source.      10     Q. You mean a translation of the Textus Receptus?      11     A. Yes.      12     Q. The Septuagint?      13     A. The Septuagint, right.      14     Q. Okay.      15     (Discussion off the record.)      16     A. Textus Receptus, yeah, Septuagint.      17     You see, even in the other Christian world, right,      18     the rest, they don't have the same text. The King James      19     has its text; the Confraternity Douay of the Roman      20     concepts; their text, the Vulgate, is another text done by      21     Jerome, St. Jerome. So you see, there were many      22     differences even among the nonorthodox as far as texts.      23     I received texts, which is of the Septuagint,      24     right. So The Psalter and the Old Testament is of the</p>
<p style="text-align: center;">Page 98</p> <p>1      A. We tried to observe the monastic life as we      2      received it from the Holy Mountain as they received it from      3      their forefathers.      4      Q. Which is the typikon?      5      A. Which is the typikon.      6      Q. And the typikon is not canons of The Rudder; it's      7      simply --      8      A. No, no. It's order of services and prayer life or      9      rule, how many prostrations we make, how many prayer ropes      10     we say, and et cetera. And then we started to be self-      11     supporting, to make incense and to mount icon prints. And      12     so that was also in aiding the piety among the people to      13     have icons, to have incense for the churches, for the home.      14     And all the things that are listed here we tried to      15     implement.      16     Q. Okay. At what point did providing services or      17     Scripture to the people of the church, at what point did      18     that become an important activity for the monastery?      19     A. When we grew and grew, it was evident that most of      20     the community was not speaking a language of an orthodox      21     homeland.      22     Q. Okay.      23     A. Which means Greek and Russian primarily. But      24     Syrian or Syriac or other languages. So since we're born,</p>	<p style="text-align: center;">Page 100</p> <p>1      Septuagint. There were translations, but not from an      2      orthodox source, and therefore very erroneous in many      3      parts.      4      Q. You're speaking in part of the Brenton translation      5      of 1851?      6      A. Yes, and there was the other one, Baxter's,      7      another one, of the Septuagint. There was another one too.      8      Q. Coverdale's Prayer Book Psalter of 1662?      9      A. No. That's -- that wasn't of the Septuagint.      10     Q. Thompson's 1808 translation?      11     A. I don't know if that was the Septuagint. I don't      12     know if that's King James. I mean the -- the Masoretic      13     text of the Hebrews or what, which -- which text they used.      14     You see, King James, some of the books of the Old Testament      15     are missing. They think they're apocryphal. They're --      16     they weren't true. And the Roman Catholic church has them      17     as Deuterocanonical. And of course the Septuagint has      18     them.      19     Q. Let's talk about some of the other services of the      20     church.      21     A. Yes.      22     Q. The -- the Hapgood, what is that?      23     A. That's a translation by the Antiochian Diocese.      24     Q. Of church services?</p>

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<p>1       <b>A.</b> Of church services.      2       <b>Q.</b> And when did that take place?      3       <b>A.</b> Oh -- oh, is Hapgood -- no, no. Was that done in      4       the -- under Patriarch Tikhon was here? Hapgood, yes.      5       That was not the Antiochians. That was done in the early      6       part of the 1900s, when Patriarch Tikhon was bishop in this      7       country, and later patriarch in Russia. Hapgood, she was      8       an English woman, and she translated certain things, very      9       little, but the main part of the liturgies, the constant      10      parts of the liturgies, and other things, the mysteries of      11      the -- baptism, burial service, things like that. It's a      12      nice volume. But it isn't voluminous. It's just a nice      13      volume, you know, a few hundred pages, the Hapgood, which      14      has been reprinted so many times. And I must say, it's      15      done well, the translation.      16      <b>Q.</b> Have you --      17      <b>A.</b> In English. Liturgical English.      18      <b>Q.</b> Have you ever seen the Manual of Prayers that was      19      done in 1891 by G.V. Shann?      20      <b>A.</b> No. We know a few publications by the Faith Press      21      in England, the akathist to the Holy Mother of God, and a      22      few other small little things, pocket size. And that was      23      good English also.      24      <b>Q.</b> Who was Father Lewis in Florida; do you know?</p>	<p>1       that we translated; we're the translators.      2       <b>Q.</b> Are you familiar with the works that have been      3       translated by Holy Transfiguration Monastery or otherwise      4       compiled by the monastery?      5       <b>A.</b> Of course.      6       <b>Q.</b> Okay. I'm going to hand you some documents and      7       see if you can recognize them. We'll do it one by one.      8       And then I'm going to ask when we're finished that you      9       would slip it inside an envelope like this. Will that work      10      for you, or maybe your attorney can help you with it?      11      <b>A.</b> If it goes into it.      12      <b>Q.</b> Okay. We'll give it a shot. Let me hand you what      13      was previously marked as Deposition Exhibit 7.      14      (Exhibit 7, The Great Horologion,      15      marked.)      16      <b>Q.</b> What do you recognize Exhibit 7 as?      17      <b>A.</b> The Great Horologion.      18      <b>Q.</b> Do you recognize that as a document in which Holy      19      Transfiguration Monastery claims copyright?      20      <b>A.</b> Absolutely.      21      <b>Q.</b> Okay. Do you know how that document came to be?      22      <b>A.</b> Throughout the years, we translated, we      23      translated, translated. We modelled it on the Greek      24      edition of The Great Horologion but added voluminously.</p>
<p style="text-align: center;">Page 102</p> <p>1       <b>A.</b> Father -- he's reposed. Father John Lewis, yes.      2       He was a priest in the synod abroad, then he left, and he      3       died under the Greek archdiocese.      4       <b>Q.</b> Did he do any translations?      5       <b>A.</b> Not really. He attempted, but he did not know      6       Greek and he did not know Slavonic. So --      7       <b>Q.</b> I thought -- I thought he translated The Psalter      8       out of the Septuagint, which would be Greek, right?      9       <b>A.</b> No. He did not have those tools, not Father John      10      Lewis.      11      <b>Q.</b> Are you saying it would be incorrect that Holy      12      Transfiguration Monastery threatened to sue Father Lewis if      13      even two of his verses were identical to The Psalter?      14      <b>A.</b> I have no recollection of such a thing.      15      <b>Q.</b> Okay. Who would have been responsible for      16      policing the copyrights that Holy Transfiguration      17      Monastery --      18      <b>A.</b> Back then, I have no idea.      19      <b>Q.</b> How about now?      20      <b>A.</b> Now, it's Father Pachomius. We -- we have      21      designated him to be sure that he's -- and anyone writes to      22      ask to use our translation, he's the one that takes care of      23      that correspondence. And we grant without royalties, as      24      long as they give acknowledgment that it's our copyright,</p>	<p style="text-align: center;">Page 104</p> <p>1       Because this was going to be in the English language first      2       time, and it was easy to find certain things in the Greek      3       language, the Slavonic, but not in the English, so      4       therefore we added many things that are not in the original      5       Great Horologion published in Greek.      6       <b>Q.</b> Now, this copy carries a copyright mark of 1997.      7       <b>A.</b> Uh-huh.      8       <b>Q.</b> Do you know if Holy Transfiguration Monastery      9       claimed an earlier copyright?      10      <b>A.</b> No. I'm not con -- certain parts of it, yes.      11      Yes. Like the akathists, this, that, yes. That was years      12      before. But what parts we claim copyright from before, I      13      don't know.      14      <b>Q.</b> Okay. Now, on the copyright registration that was      15      attached to the complaint which is Exhibit 35, it says      16      nature of authorship is English translation compilation,      17      new text added to translation of Greek origin. Let me walk      18      through that with you. English translation, would that be      19      taking ancient writings of the Horologion that are in the      20      original Greek and translating them to the English      21      language?      22      <b>A.</b> Correct.      23      <b>Q.</b> Okay. Compilation, would that be taking previous      24      translations and making them a part of the finished work?</p>

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<p>1           MS. BROSUS: Objection.</p> <p>2       A. I think that is also our translation, but I can't 3 be 100 percent sure.</p> <p>4       Q. Well, the works that --</p> <p>5       A. Yeah.</p> <p>6       Q. -- Holy Transfiguration Monastery has put out, not 7 all of them are 100 percent translations of the original 8 languages, are they?</p> <p>9       A. That I am not in a position to answer either.</p> <p>10     Q. Well, hasn't Holy Transfiguration Monastery, at 11 least in part, taken the respectable work of other revered 12 translators and used them to put together documents?</p> <p>13     MS. BROSUS: Objection.</p> <p>14     A. Possibility. Possibility. I cannot say yes, no.</p> <p>15     Q. You never saw that happen?</p> <p>16     A. Well, I'm not responsible for the publication and 17 translation. I've worked on The Psalter. I did not work 18 on the other situations.</p> <p>19     Q. Okay.</p> <p>20     A. On The Psalter I've worked.</p> <p>21     Q. Well, let's go --</p> <p>22     A. Three of us, four -- four of us that worked on The 23 Psalter.</p> <p>24     Q. Let's go back to The Psalter, then.</p>	<p>1       translator.</p> <p>2       Q. Well, in terms of ashrams, are you talking about 3 the Coptic orthodox Hindu church?</p> <p>4       A. No, no, no, no. Hindu, Hindu. He was born in 5 India from British parents, Father Lazarus Moore.</p> <p>6       Q. Okay.</p> <p>7       A. And then at the latter part, he went back to 8 India, which was where he was born and reared, and stayed 9 there, and then he -- I think he reposed in Alaska under 10 the OCA.</p> <p>11     Q. Are you saying there was anything improper in his 12 translating in India?</p> <p>13     A. Oh, no. His -- his English is -- I mean for us, 14 it was not acceptable, the translation.</p> <p>15     Q. Okay. So --</p> <p>16     A. And so that liturgically we would not use it.</p> <p>17     Q. So that's why you relied more on Baxter's or 18 Brenton's?</p> <p>19     MS. BROSUS: Objection.</p> <p>20     A. We relied more on Father Gelsinger's, Michael 21 Gelsinger's translation, which was never published; it was 22 a manuscript. And we -- in the forward we give credit to 23 that. We -- we -- we mention -- I don't know if we mention 24 others in The Psalter that we consulted or that we were</p>
<p style="text-align: center;">Page 106</p> <p>1       A. Yeah.</p> <p>2       Q. Regarding The Psalter, you had as a starting point 3 Brenton's translation of the Septuagint, correct?</p> <p>4       A. Oh, yeah.</p> <p>5       MS. BROSUS: Objection.</p> <p>6       Q. I'm sorry?</p> <p>7       A. Yes. Brenton or I think Baxter, Baxter. I don't 8 know about the Brenton.</p> <p>9       Q. Either Baxter's or Brenton's --</p> <p>10     A. Yeah.</p> <p>11     Q. -- was the foundation --</p> <p>12     A. Or maybe it's the same, I don't know.</p> <p>13     MS. BROSUS: Objection.</p> <p>14     Q. I'm sorry, can you explain what you mean?</p> <p>15     A. We were conscious of translations. There was one 16 recent by Father Lazarus Moore, the whole Psalter, and was 17 printed in India. He had joined ashrams there, et cetera, 18 and he --</p> <p>19     Q. The Emmaus translation?</p> <p>20     A. Eh?</p> <p>21     Q. Is that what that's known as, the Emmaus 22 translation?</p> <p>23     A. No, I don't know if it's called the Emmaus 24 translation. But it was Father Lazarus Moore was the</p>	<p style="text-align: center;">Page 108</p> <p>1       conscious of. But Father Gelsinger was a classicist, a 2 professor at Buffalo University, New York, and A-1 in his 3 English and his Greek.</p> <p>4       Q. So am I correct or incorrect, let me know, that 5 three of the primary texts that you drew from as you worked 6 on The Psalter at Holy Transfiguration Monastery were 7 Brenton's translation --</p> <p>8       A. No, no. They were only Father Michael's --</p> <p>9       Q. I'm sorry?</p> <p>10     A. Only Father Michael Gelsinger's.</p> <p>11     Q. Okay.</p> <p>12     A. No, the others weren't for us. We didn't consult 13 them, because it was too mixed up in the --</p> <p>14     Q. Why then -- why then are there verses that are 100 15 percent identical to the Brenton translation?</p> <p>16     A. There is no way that you can translate something 17 from another language into English and not use the same 18 words when it's the same words.</p> <p>19     Q. Okay.</p> <p>20     A. "Bread" is "bread," "man" is "man," et cetera. So 21 there can be similarities.</p> <p>22     Q. Can you --</p> <p>23     A. But --</p> <p>24     Q. Okay. Would you take a look at page 328 of the</p>

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<p>1 Horologion, which is Exhibit 7.</p> <p>2     <b>A.</b> 328?</p> <p>3     <b>Q.</b> Yes.</p> <p>4     <b>A.</b> My dear. 3 -- yes.</p> <p>5     <b>Q.</b> Do you see an icon there?</p> <p>6     <b>A.</b> Yes.</p> <p>7     <b>Q.</b> What is it an icon of?</p> <p>8     <b>A.</b> An entrance of mother of God to the temple.</p> <p>9     <b>Q.</b> Who wrote that icon?</p> <p>10    <b>A.</b> It was Father Gregory of our community at the time.</p> <p>12    <b>Q.</b> Who is now sitting here as Archbishop Gregory?</p> <p>13    <b>A.</b> Right, correct.</p> <p>14    <b>Q.</b> Did you ever seek his permission to include this icon in The Great Horologion that you've published?</p> <p>16    <b>A.</b> Since he was a member of the community and we trained him and he was supported by the community at the time, it was at our prompting, at our order that the icon was painted, not for us, but for a convent in Greece -- that's where the original still is -- we did not think that we had to ask permission.</p> <p>22    <b>Q.</b> You --</p> <p>23    <b>A.</b> If it was -- if it was done by someone not in our community, yes, then I think it would be proper to give</p>	<p>1     <b>A.</b> Okay.</p> <p>2     <b>Q.</b> So let me ask that question now that it's clear that you do understand the question.</p> <p>4     <b>A.</b> Okay.</p> <p>5     <b>Q.</b> When I use the phrase "who wrote the icon," what does that mean to you?</p> <p>7     <b>A.</b> Who painted it.</p> <p>8     <b>Q.</b> Okay. And in orthodoxy, why do you say that someone writes an icon instead of paints it?</p> <p>10    <b>A.</b> We don't use that.</p> <p>11    <b>Q.</b> You don't, okay.</p> <p>12    <b>A.</b> We don't use "writes it." We say, "He painted the icon."</p> <p>14    <b>Q.</b> Do you understand the distinction between Western art and Eastern orthodoxy iconography?</p> <p>16    <b>A.</b> Of course, of course.</p> <p>17    <b>Q.</b> Okay. And when I say "who wrote the icon," does that underscore the distinction between Western art and Eastern orthodoxy?</p> <p>20    <b>A.</b> For some people. For some people.</p> <p>21    <b>Q.</b> Okay. For you, mentioning that it's an icon is enough?</p> <p>23    <b>A.</b> Yes.</p> <p>24    <b>Q.</b> Because it's not an icon if it's painted in the</p>
<p style="text-align: center;">Page 110</p> <p>1 acknowledgment and to --</p> <p>2     <b>Q.</b> So --</p> <p>3         (Discussion off the record.)</p> <p>4         THE WITNESS: To ask permission.</p> <p>5     <b>Q.</b> Okay.</p> <p>6     <b>A.</b> If it was done by an iconographer in Greece or here or there, or give acknowledgment at least, you know. We don't give acknowledgment; we don't sign icons.</p> <p>9     <b>Q.</b> Okay.</p> <p>10    <b>A.</b> Some artists in the world, like Photios Kontoglou and others, they sign. So, of course we give credit; we say it's done by so-and-so.</p> <p>13    <b>Q.</b> Now, I used a particular phrase that I know you understood, but we should probably unpack it. When I say "who wrote the icon" --</p> <p>16    <b>A.</b> Who painted.</p> <p>17    <b>Q.</b> -- what do I mean?</p> <p>18         MS. BROSIUS: Objection.</p> <p>19    <b>A.</b> Right?</p> <p>20    <b>Q.</b> Well, do you understand what I -- my question --</p> <p>21    <b>A.</b> Who painted it.</p> <p>22    <b>Q.</b> -- when I say "who wrote the icon"?</p> <p>23    <b>A.</b> Who painted it.</p> <p>24    <b>Q.</b> Yeah.</p>	<p style="text-align: center;">Page 112</p> <p>1     Western tradition?</p> <p>2     <b>A.</b> Yes, naturalistic style.</p> <p>3     <b>Q.</b> Okay. So for you, simply saying it's an icon is equivalent to other people saying someone --</p> <p>5     <b>A.</b> Yes.</p> <p>6     <b>Q.</b> -- wrote the icon; is that correct?</p> <p>7     <b>A.</b> Yes.</p> <p>8     <b>Q.</b> Okay.</p> <p>9     <b>A.</b> Just a play on words, painted, writed.</p> <p>10    <b>Q.</b> Okay. Let's turn to page 405.</p> <p>11    <b>A.</b> Of this situation?</p> <p>12    <b>Q.</b> Of this same exhibit. Do you see an icon there?</p> <p>13    <b>A.</b> Yes, yes.</p> <p>14    <b>Q.</b> What is it an icon of?</p> <p>15    <b>A.</b> The three hierarchs of the church.</p> <p>16    <b>Q.</b> Who wrote this icon?</p> <p>17    <b>A.</b> This was by Bishop Gregory. He copied very faithfully an icon by Photios Kontoglou. The original, we had it in our possession at the time. It was unknown to us.</p> <p>21         (Discussion off the record.)</p> <p>22         THE WITNESS: By Photios Kontoglou, P-h-o-t-i-o-s, Photios, Kontoglou, K-o-n-t-o-g-o-l-u. No. G-l-o-u. G-l-o-u.</p>

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	<p>1      <b>A.</b> And --</p> <p>2      <b>Q.</b> And when did you --</p> <p>3      <b>A.</b> -- this one we have in our monastery.</p> <p>4      <b>Q.</b> When did Photios Kontoglou live?</p> <p>5      <b>A.</b> He lived in the last century.</p> <p>6      <b>Q.</b> The 1800s?</p> <p>7      <b>A.</b> No, no. 1900s.</p> <p>8      <b>Q.</b> 1900s, okay.</p> <p>9      <b>A.</b> This is the 21st century. 19th century. I knew him personally.</p> <p>10     <b>Q.</b> Okay.</p> <p>11     <b>A.</b> Very well.</p> <p>12     <b>Q.</b> Was he offended that Archbishop Gregory --</p> <p>13     <b>A.</b> No.</p> <p>14     <b>Q.</b> -- wrote his icon?</p> <p>15     <b>A.</b> He -- he was very fond of us, and we have many of his icons. We have the largest amount of icons by him in any one place.</p> <p>16     <b>Q.</b> Why would he not take offense that somebody is copying his icons?</p> <p>17     <b>A.</b> He was very --</p> <p>18          MS. BROSIUS: Objection.</p> <p>19     <b>A.</b> He was very zealous for orthodox iconography to be spread.</p>	<p>1      <b>Q.</b> Right.</p> <p>2      <b>A.</b> This was done after his repose.</p> <p>3      <b>Q.</b> And -- and the Scripture is --</p> <p>4      <b>A.</b> The iconography.</p> <p>5      <b>Q.</b> -- a much larger project than The Psalter?</p> <p>6      <b>A.</b> Of course.</p> <p>7      <b>Q.</b> Yeah. Okay. In orthodox tradition, who wrote the first icon?</p> <p>8      <b>A.</b> St. Luke the Apostle.</p> <p>9      <b>Q.</b> Okay. Of the Theotokos?</p> <p>10     <b>A.</b> The Theotokos.</p> <p>11     <b>Q.</b> Okay. And the first icon, was that Veronica's veil?</p> <p>12     <b>A.</b> No. We don't have a tradition of Veronica's veil.</p> <p>13     And even the Roman Catholics now, they say that's a legend.</p> <p>14     <b>Q.</b> Okay.</p> <p>15     <b>A.</b> And the name Veronica comes from vera icon, "true icon."</p> <p>16     <b>Q.</b> Okay.</p> <p>17     <b>A.</b> We have the traditional icon not painted by hands,</p> <p>18     and it's nothing to do with the passion of our Savior. The Veronica's veil has it with blood and a crown of thorns.</p> <p>19     This was by Abgar, the king of Edessa, which is now a town in Eastern Turkey; it was under the Syrian jurisdiction at</p>
	<p>1      <b>Q.</b> Okay.</p> <p>2      <b>A.</b> Proper, correct orthodox iconography.</p> <p>3      <b>Q.</b> So --</p> <p>4      <b>A.</b> And he rejoiced.</p> <p>5      <b>Q.</b> -- is it important for the sacred things of the church to be provided to the people of the church?</p> <p>6           MS. BROSIUS: Objection.</p> <p>7      <b>A.</b> Is it?</p> <p>8      <b>Q.</b> Is it important for the sacred things of the church --</p> <p>9      <b>A.</b> Yes.</p> <p>10     <b>Q.</b> -- to be provided to the church?</p> <p>11          MS. BROSIUS: Objection.</p> <p>12     <b>A.</b> Yes.</p> <p>13     <b>Q.</b> The people of the church?</p> <p>14     <b>A.</b> Yes.</p> <p>15     <b>Q.</b> And that includes icons?</p> <p>16     <b>A.</b> Yes.</p> <p>17     <b>Q.</b> The services?</p> <p>18     <b>A.</b> The services.</p> <p>19     <b>Q.</b> The Psalter?</p> <p>20     <b>A.</b> Scripture.</p> <p>21     <b>Q.</b> Okay.</p> <p>22     <b>A.</b> We're still working on that.</p>	<p>1      that time.</p> <p>2      <b>Q.</b> Okay.</p> <p>3      <b>A.</b> And the name of the King was Abgar, and he wanted to see the Savior, but he was ill; he could not travel. He heard the fame of his miracles. And he sent a delegation with an artist to paint him. And while he was giving a sermon, our Savior, that artist tried to record his face, and he couldn't. And our Savior asked for a basin of water; he washed his face and dried it with a towel, and his image was imprinted. That's our tradition. So that was the first icon, before Luke the Apostle, not made by hands, by a miracle.</p> <p>13     <b>Q.</b> Could you turn to page 615 of Exhibit 7.</p> <p>14     <b>A.</b> (Pause.) Yes.</p> <p>15     <b>Q.</b> Do you see an icon there?</p> <p>16     <b>A.</b> Yes.</p> <p>17     <b>Q.</b> What is it an icon of?</p> <p>18     <b>A.</b> The burial of our Savior.</p> <p>19     <b>Q.</b> And who wrote this icon?</p> <p>20     <b>A.</b> Bishop Gregory, using a prototype from the Byzantium museum of Athens. The original is there.</p> <p>21     <b>Q.</b> And can you turn to page 707 of Exhibit 7. Do you see an icon there?</p> <p>22     <b>A.</b> St. Anne, the mother of the mother of God. This</p>

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<p>1 way.</p> <p>2 MS. BROSIUS: All right.</p> <p>3 THE WITNESS: Sorry. It's easier</p> <p>4 that way.</p> <p>5 Q. And who wrote that icon?</p> <p>6 A. Bishop Gregory.</p> <p>7 Q. And if you would turn to -- what is it -- do you</p> <p>8 see an icon of the guardian angel there?</p> <p>9 A. Where?</p> <p>10 Q. We'll skip that one. Let's go to page 841.</p> <p>11 A. 841. Archangels, yes.</p> <p>12 Q. And who wrote that icon?</p> <p>13 A. Bishop Gregory, also a copy from the Byzantine</p> <p>14 museum in Athens.</p> <p>15 Q. Can you turn to what would be page 824.</p> <p>16 A. 824. 824?</p> <p>17 Q. Yeah. It's not marked, but it's between 825 and</p> <p>18 823.</p> <p>19 A. Oh, it's back.</p> <p>20 Q. Yeah.</p> <p>21 A. That's the guardian angel there. 22. 23, that's</p> <p>22 about -- yes, that's the guardian angel.</p> <p>23 Q. And who wrote that icon?</p> <p>24 A. Bishop Gregory.</p>	<p>1 A. (Pause.) Yes.</p> <p>2 Q. Do you see an icon there?</p> <p>3 A. Yes.</p> <p>4 Q. And what is it of?</p> <p>5 A. Our Savior.</p> <p>6 Q. And who wrote that icon?</p> <p>7 A. It's a copy of a line drawing by Kontoglou.</p> <p>8 Q. And who wrote it?</p> <p>9 A. Father Gregory. The then Father Gregory.</p> <p>10 Q. Okay.</p> <p>11 A. And the one next page also.</p> <p>12 Q. Okay. Now, the copyright registration supplied as</p> <p>13 part of the complaint in this case is dated 1987. Does</p> <p>14 that sound about right --</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 Q. -- for the Prayer Book?</p> <p>17 MS. BROSIUS: Are you going to show</p> <p>18 him that document, Chris?</p> <p>19 MR. INGOLD: I was asking him --</p> <p>20 A. Can I see that?</p> <p>21 MR. INGOLD: -- based on that</p> <p>22 document whether that sounded correct to</p> <p>23 him.</p> <p>24 A. Can I see that? The first edition was '87?</p>
<p>Page 118</p> <p>1 Q. Okay.</p> <p>2 A. As Father Gregory.</p> <p>3 Q. I'm going to ask you, let's put those within this</p> <p>4 envelope.</p> <p>5 MR. INGOLD: Ms. Brosius --</p> <p>6 A. I doubt it.</p> <p>7 MR. INGOLD: -- do you think you</p> <p>8 could assist me with that or hand it back</p> <p>9 to me?</p> <p>10 (Discussion off the record.)</p> <p>11 Q. I'm going to -- I'm going to ask you to take a</p> <p>12 look at what was previously marked as Exhibit 8.</p> <p>13 (Exhibit 8, A Prayer Book for</p> <p>14 Orthodox Christians, marked.)</p> <p>15 (Discussion off the record.)</p> <p>16 Q. If you take a look and see if you can identify</p> <p>17 what Exhibit 8 is.</p> <p>18 A. It's the Prayer Book.</p> <p>19 Q. Okay. And you recognize that as a work in which</p> <p>20 Holy Transfiguration Monastery --</p> <p>21 A. Correct.</p> <p>22 Q. -- claims copyright?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Would you take a look at page 248.</p>	<p>Page 120</p> <p>1 Q. Does that sound about right?</p> <p>2 A. You know, I have a sugar problem, and I forget a</p> <p>3 lot of things. It should say -- '87, yes, copyright.</p> <p>4 Q. Okay. Do you know if any portion of the Prayer</p> <p>5 Book existed in any form before 1987?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. There were -- yes, Jordanville had it in -- in</p> <p>8 English, one in English.</p> <p>9 Q. But Jordanville would not be a Holy</p> <p>10 Transfiguration Monastery work?</p> <p>11 A. No, no, no, no. And, of course, not -- not with</p> <p>12 all the contents in here. But it had, you know --</p> <p>13 Q. And --</p> <p>14 A. -- the main part of this.</p> <p>15 Q. You're familiar with something known as the Old</p> <p>16 Jordanville Prayer Book and the New Jordanville Prayer</p> <p>17 Book, are you not?</p> <p>18 A. I know the old one.</p> <p>19 Q. Okay. Well, the Jordanville Prayer Books in some</p> <p>20 respects are very close to Holy Transfiguration Monastery's</p> <p>21 Prayer Book, correct?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. Correct.</p> <p>24 Q. Is that the same issue that we talked about with</p>

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<p>1      Brenton's and The Psalter?</p> <p>2      A. No. Actually, there's a correspondence between</p> <p>3      the monastery and Bishop Laurus who was then at the time</p> <p>4      the abbot of the monastery. Laurus. L-a-u-r-u-s, Laurus.</p> <p>5      L-a-u-r-u-s.</p> <p>6      And it went back and forth a few letters, and he</p> <p>7      acknowledged that they had taken from our translations.</p> <p>8      Q. Regarding The Psalter, correct?</p> <p>9      A. No. Their Prayer Book. Their Prayer Book.</p> <p>10     Q. So they didn't translate anything in the</p> <p>11     Jordanville Prayer Book --</p> <p>12     A. Oh, they did.</p> <p>13     Q. -- individually?</p> <p>14     MS. BROSIUS: Objection.</p> <p>15     A. No. They -- they had a person who was very -- but</p> <p>16     the language was not liturgical; you know, it was more</p> <p>17     modern, et cetera, straightforward. And ours is more</p> <p>18     liturgical. It's a matter of, you know, choice, et cetera.</p> <p>19     And he then recognized, yes, and then they either took</p> <p>20     out -- they didn't want to give credit. So they just took</p> <p>21     out those parts that they had taken from us, and they made</p> <p>22     their own up.</p> <p>23     Q. Let's take a look --</p> <p>24     A. They had one brother there, what was his name? I</p>	<p>1      Q. And that goes back to the same similarity between</p> <p>2      Brenton's and --</p> <p>3      A. Yeah.</p> <p>4      Q. -- Transfiguration Monastery's Psalter?</p> <p>5      MS. BROSIUS: Objection.</p> <p>6      A. "Lord have mercy" is going to be "Lord have</p> <p>7      mercy."</p> <p>8      Q. Okay.</p> <p>9      A. Can't be translated differently.</p> <p>10     Q. For example, "Glory to you, our God, glory to</p> <p>11     you," which is on -- also on page 1. Correct?</p> <p>12     A. No. You see, we have "glory to thee."</p> <p>13     (Discussion off the record.)</p> <p>14     Q. Okay.</p> <p>15     A. We have "glory to thee," not "to you."</p> <p>16     Q. Okay.</p> <p>17     A. So you see, we don't -- we object to using the</p> <p>18     common -- you know, we want to use liturgical language.</p> <p>19     Q. Are there other translators who've translated that</p> <p>20     phrase, "Glory to thee, our God, glory to thee"?</p> <p>21     A. Yes.</p> <p>22     MS. BROSIUS: Objection.</p> <p>23     A. English of the 19th century.</p> <p>24     Q. Okay. And that would not be a phrase that</p>
<p>1      forget now. And he's -- I don't know if he's still living;</p> <p>2      I think he's reposed. He was a translator.</p> <p>3      Q. Let's take a look at page 8 of Deposition</p> <p>4      Exhibit -- or, actually, page 1, it's after all the --</p> <p>5      A. Is this the book?</p> <p>6      Q. -- interrogatory pages. It was the first --</p> <p>7      MS. BROSIUS: Which exhibit, Chris?</p> <p>8      MR. INGOLD: Exhibit 8.</p> <p>9      A. That's the Prayer Book, yeah.</p> <p>10     Q. Okay. And it starts out "Morning Prayers." Do</p> <p>11     you see that?</p> <p>12     A. We have this after the introduction. Oh, my.</p> <p>13     "Morning Prayers," right.</p> <p>14     Q. Okay. And they begin, "In the name of the Father</p> <p>15     and of the Son and of the Holy Spirit, amen." Do you see</p> <p>16     that?</p> <p>17     A. Right, right.</p> <p>18     Q. Okay. Is that a phrase that Holy Transfiguration</p> <p>19     claims is copyright?</p> <p>20     A. That's a phrase which is common, and it will</p> <p>21     always be translated the same.</p> <p>22     Q. Okay. So that there's a number of services where</p> <p>23     basic phrases could be translated the same, correct?</p> <p>24     A. Yes, absolutely.</p>	<p>1      Transfiguration Monastery claims copyright in --</p> <p>2      MS. BROSIUS: Objection.</p> <p>3      Q. -- is it?</p> <p>4      A. No.</p> <p>5      Q. Okay. How about down a little bit further, it</p> <p>6      says, "Holy God, Holy Mighty, Holy Immortal, have mercy on</p> <p>7      us."</p> <p>8      A. Right.</p> <p>9      Q. Is that a phrase that Holy Transfiguration</p> <p>10     Monastery claims copyright in?</p> <p>11     MS. BROSIUS: Objection.</p> <p>12     A. As I say, it cannot be translated differently.</p> <p>13     They are just common words, common -- that's the</p> <p>14     translation.</p> <p>15     Q. And we could go throughout all of Exhibit 8 and</p> <p>16     find --</p> <p>17     A. Yes, fine.</p> <p>18     Q. -- many examples like that, correct?</p> <p>19     MS. BROSIUS: Objection.</p> <p>20     Q. I'm sorry; is that correct?</p> <p>21     MS. BROSIUS: Objection.</p> <p>22     Q. You can answer.</p> <p>23     A. Correct.</p> <p>24     Q. Why is that the case?</p>

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<p>1      A. Because that -- that's part of translation.      2      Q. Okay.      3      A. In any language.      4      Q. Those two exhibits that we just looked at, Exhibit      5      8 and Exhibit 7, the Prayer Book and the Horologion, we      6      looked at some icons in there that had been reproduced that      7      were written by Archbishop Gregory, correct?      8      A. Correct.      9      Q. In your personal opinion, as the former abbot of      10     Holy Transfiguration Monastery, would it be appropriate for      11     Archbishop Gregory to sue Holy Transfiguration Monastery      12     for using his icons?      13     MS. BROSIUS: Objection.      14     A. None of the -- my answer: None of the icons were      15     original of his. They were copies. Direct copies, not      16     inspired by something else, but direct copies.      17     Q. They're what's known as a derivative work, are      18     they not?      19     MS. BROSIUS: Objection.      20     A. What's a derivative? Yes.      21     Q. They are?      22     MS. BROSIUS: Objection.      23     Q. You know what that means?      24     A. That they derive from another source.</p>	<p>1      is that fair?      2      MS. BROSIUS: I'd actually prefer we      3      break at noon and take our -- take some      4      time, just because --      5      THE WITNESS: All right.      6      MS. BROSIUS: -- he just had a --      7      MR. INGOLD: If -- if -- if that's      8      okay with you. Is that all right? Okay.      9      BY MR. INGOLD:      10     Q. Let's see. I'm going to show you what's been      11     marked as Deposition Exhibit 92.      12     (Exhibit 92, Holy Transfiguration      13     Monastery catalog, marked.)      14     Q. Do you recognize this exhibit, what it is?      15     A. Yes. Yes. It's our catalog.      16     Q. Okay. From about what year; do you have any idea?      17     A. No. No.      18     Q. Well, if you look on --      19     A. We have a few editions of it.      20     Q. If you'd look down on what it has a number 208 in      21     the lower right-hand corner, would that help you identify      22     what year this might be?      23     A. No, because we have here 207 too.      24     Q. Well --</p>
<p>1      Q. Yes.      2      A. Yes.      3      Q. So they're derivative works?      4      MS. BROSIUS: Objection.      5      Q. Is that correct?      6      A. Correct.      7      Q. And you're familiar with that term?      8      A. Well, if it means it derives, it's taken from      9      another source.      10     MS. BROSIUS: Objection.      11     Q. Okay.      12     A. We don't do original things in our church. We      13     have a tradition.      14     Q. Let's take a look --      15     MS. BROSIUS: Chris, what time are we      16     going to break for lunch?      17     MR. INGOLD: What would you like?      18     MS. BROSIUS: We just need to be      19     mindful of --      20     THE WITNESS: What time is it?      21     (Discussion off the record.)      22     MR. INGOLD: Okay. Don't -- I -- I      23     just want to make sure you understand, I      24     don't want this to be an endurance contest;</p>	<p>1      A. Page before that. And it's the page right after      2      the first -- oh, 206.      3      Q. Well, at HTM 208, which would be the third page of      4      this document, there's a copyright notice.      5      A. Yes, yes.      6      Q. Do you see that?      7      A. Yes, yes.      8      Q. And it says, "Copyright 2004."      9      A. Two -- oh, I see, 2004.      10     Q. Would this then be the catalog for 2004?      11     A. I guess this was the first edition that we had in      12     this form printed.      13     Q. So around 2004; is that correct?      14     A. I thought we had a catalog before that, but I      15     don't know.      16     Q. I believe you did. But this catalog, would this      17     be correct for 2004?      18     A. It was -- it was -- it was copyrighted, correct,      19     it seems, yes.      20     Q. I'd ask you to turn to page 49 of this catalog,      21     which also in the lower right-hand corner has the mark "HTM      22     000257." Can you let me know when you're there?      23     A. 49, yes.      24     Q. Do you see that there's a number of icons from</p>

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<p>1      this point forward?</p> <p>2      <b>A.</b> Right.</p> <p>3      <b>Q.</b> And that continues right up through --</p> <p>4      <b>A.</b> 53.</p> <p>5      <b>Q.</b> -- page --</p> <p>6      <b>A.</b> Actually -- actually it's 54.</p> <p>7      <b>Q.</b> -- 117 or the end of the catalog, which is also</p> <p>8      marked as HTM 000325.</p> <p>9      <b>A.</b> Yes, yes, yes, yes.</p> <p>10     <b>Q.</b> Okay. About how many of those icons were written</p> <p>11     by Father Gregory?</p> <p>12     <b>A.</b> Oh, I can't tell you. The -- the first ones, that</p> <p>13     whole selection of the life of our Savior and the feasts of</p> <p>14     Mother of God were done by an iconographer who taught</p> <p>15     Father Gregory.</p> <p>16     (Discussion off the record.)</p> <p>17     <b>A.</b> And the Mother of God, on the first four or five</p> <p>18     pages. They were done by an iconographer in Greece, Basil</p> <p>19     Lepouras, L-e-p-o-u-r-s. Lepouras. And he taught Father</p> <p>20     Gregory. He took him to Greece, and he --</p> <p>21     <b>Q.</b> Would it surprise you that more than 30 of these</p> <p>22     icons being sold in 2004 by Holy Transfiguration Monastery</p> <p>23     were written by Father Gregory? Would that surprise you?</p> <p>24     <b>A.</b> No, it would not surprise me, because he -- he,</p>	<p>1      to be corrected from the sketch on to the finished icon.</p> <p>2      So it was a community project. It wasn't one person.</p> <p>3      <b>Q.</b> So at that point in time, Archbishop Gregory was a</p> <p>4      member of the community.</p> <p>5      <b>A.</b> He was under obedience, yes; he was a member of</p> <p>6      the community.</p> <p>7      <b>Q.</b> He was contributing to Holy Transfiguration</p> <p>8      Monastery?</p> <p>9      <b>A.</b> Absolutely, because we all contribute.</p> <p>10     <b>Q.</b> He was part of --</p> <p>11     <b>A.</b> The brotherhood.</p> <p>12     <b>Q.</b> -- the church?</p> <p>13     <b>A.</b> Yes.</p> <p>14     MS. BROSIUS: Objection.</p> <p>15     <b>A.</b> But if he has done something out of the community,</p> <p>16     then we would not reproduce it without permission.</p> <p>17     <b>Q.</b> So things that are sacred that are done for the</p> <p>18     church should be the property of the church?</p> <p>19     MS. BROSIUS: Objection.</p> <p>20     <b>A.</b> No, no, not necessarily. Not necessarily. It's</p> <p>21     of the -- of the communities that produced them.</p> <p>22     <b>Q.</b> So he received support --</p> <p>23     <b>A.</b> Property of the types, but the -- the icons that</p> <p>24     are painted are painted in communities.</p>
<p style="text-align: center;">Page 130</p> <p>1      when he was with us, with a blessing always, not on his</p> <p>2      own, made icons.</p> <p>3      <b>Q.</b> Would it be appropriate for Archbishop Gregory to</p> <p>4      sue Holy Transfiguration Monastery for selling these</p> <p>5      icons --</p> <p>6      <b>A.</b> No.</p> <p>7      <b>Q.</b> -- without his permission?</p> <p>8      <b>A.</b> Because --</p> <p>9      MS. BROSIUS: Objection.</p> <p>10     <b>A.</b> I -- I -- from my point, no.</p> <p>11     <b>Q.</b> Why not?</p> <p>12     <b>A.</b> It would be -- would be -- yes, he would be out of</p> <p>13     order.</p> <p>14     <b>Q.</b> Why?</p> <p>15     <b>A.</b> Because he was not an independent artist. He was</p> <p>16     a member of the community, and with the blessing of the</p> <p>17     community, at the command of the community, he painted</p> <p>18     these icons. It wasn't by, "I'm going to paint this icon</p> <p>19     today; I'm going to paint that icon tomorrow; I choose and</p> <p>20     what prototype I want to use." We told him what icon he</p> <p>21     was going to copy, and -- and the colors, et cetera. We</p> <p>22     had three people responsible to check every step. It was</p> <p>23     Father Haralampus, Father Arsenious, and myself. So -- and</p> <p>24     we objected many times; things had to be redone; things had</p>	<p style="text-align: center;">Page 132</p> <p>1      <b>Q.</b> He received support from the community when he was</p> <p>2      doing these works?</p> <p>3      <b>A.</b> He was -- he was educated by the community to</p> <p>4      become -- he was not an iconographer when he came.</p> <p>5      <b>Q.</b> He received a benefit from the community in</p> <p>6      exchange for his works?</p> <p>7      <b>A.</b> Absolutely.</p> <p>8      <b>Q.</b> Okay. What benefit did Holy Transfiguration</p> <p>9      Monastery obtain from coming under the jurisdiction of the</p> <p>10     Russian Orthodox Church Outside of Russia?</p> <p>11     <b>A.</b> We did not obtain physical benefits, monies. They</p> <p>12     are not wealthy people. They were refugees. We were</p> <p>13     contributing to them. They were not contributing to us</p> <p>14     monetary-wise.</p> <p>15     <b>Q.</b> Nobody provided any contributions --</p> <p>16     <b>A.</b> No.</p> <p>17     <b>Q.</b> -- to your monastery?</p> <p>18     <b>A.</b> No, no. We don't make any appeals. We've never</p> <p>19     made appeals. We're self-supporting, all our communities.</p> <p>20     <b>Q.</b> No one in the Russian Orthodox Church Abroad ever</p> <p>21     gave a gift --</p> <p>22     <b>A.</b> Yes, they have.</p> <p>23     <b>Q.</b> -- to support your monastery?</p> <p>24     <b>A.</b> On their own. On their own. We never solicited.</p>

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<p>1 We never asked.</p> <p>2     <b>Q.</b> That's fine. We talked over each other. So let</p> <p>3 me clear the record.</p> <p>4     <b>A. Yes.</b></p> <p>5     <b>Q.</b> Are you saying that no one in the Russian Orthodox</p> <p>6 Church Outside of Russia ever gave money --</p> <p>7     <b>A. I said --</b></p> <p>8     <b>Q.</b> -- to the Holy Trinity --</p> <p>9     <b>A.</b> -- they did on their own. I answered on their</p> <p>10 own.</p> <p>11     <b>Q.</b> Right. And --</p> <p>12     <b>A. Unsolicited.</b></p> <p>13     <b>Q.</b> And, actually, I'm aware that you answered, but</p> <p>14 when the transcript comes out, the court reporter is only</p> <p>15 writing, and if we both speak --</p> <p>16     <b>A. All right.</b></p> <p>17     <b>Q.</b> -- he can't write them both.</p> <p>18     <b>A. Right.</b></p> <p>19     <b>Q.</b> Is that understandable?</p> <p>20     <b>A. Good. Good.</b></p> <p>21     <b>Q.</b> Okay. How -- what kind of contributions did you</p> <p>22 obtain as a monastery from the people of the Russian</p> <p>23 Orthodox Church Outside of Russia?</p> <p>24     <b>A.</b> Actually, ourselves, some gifts in memoriam of</p>	<p>1 works of ours, total works, not coding of a few hymns or</p> <p>2 this and that, and was printing them. One he had printed;</p> <p>3 the other was in the works. And it's actually a former</p> <p>4 member of the community that left it that appraised us. We</p> <p>5 had no idea that's what was going on. And then of course</p> <p>6 we immediately found copyright lawyers to be able to say,</p> <p>7 "What's going on?"</p> <p>8     <b>Q.</b> You mean Fish &amp; Richardson?</p> <p>9     <b>A.</b> Fish, right? Yes? Is that the copyright, our --</p> <p>10 Mark.</p> <p>11     <b>MS. BROSIUS:</b> I -- I can't say</p> <p>12 anything.</p> <p>13     <b>Q.</b> She can't --</p> <p>14     <b>MS. BROSIUS:</b> I'm sorry.</p> <p>15     <b>A.</b> I don't know these things. Mark is our copyright</p> <p>16 lawyer.</p> <p>17     <b>MS. BROSIUS:</b> You can just say you</p> <p>18 don't know.</p> <p>19     <b>Q.</b> Mark Fisher?</p> <p>20     <b>A.</b> Yeah, he -- ahh, that's his last name, Mark</p> <p>21 Fisher. You see, I don't remember all the names, et</p> <p>22 cetera. I've met the man, and he -- he's visited us. I</p> <p>23 think he has a health problem now; that's why he's not</p> <p>24 here. But so this was not the first. We thought that</p>
<p style="text-align: center;">Page 134</p> <p>1 families. Our convent received a large contribution when</p> <p>2 they relocated, the convent, not the monastery.</p> <p>3     <b>Q.</b> So --</p> <p>4     <b>A.</b> We paid our own mortgage and our own debt, without</p> <p>5 contributions from anyone, not only Russians, even from</p> <p>6 Greek-speaking people, et cetera.</p> <p>7     <b>Q.</b> And part of the way that Holy Transfiguration</p> <p>8 Monastery made those payments is through sales of icons</p> <p>9 written originally by Father Gregory?</p> <p>10     <b>A.</b> Absolutely. Absolutely. And all the work of the</p> <p>11 fathers, incense, mountain icons, et cetera, et cetera, et</p> <p>12 cetera. I would not say that was the main income.</p> <p>13     <b>Q.</b> Do you think it's appropriate for Holy</p> <p>14 Transfiguration Monastery to be bringing this civil lawsuit</p> <p>15 against Archbishop Gregory?</p> <p>16     <b>MS. BROSIUS:</b> Objection.</p> <p>17     <b>A.</b> It's a matter of copyright infringement. That's</p> <p>18 for the courts to decide.</p> <p>19     <b>Q.</b> Do you know why no one contacted him prior to</p> <p>20 filing suit against him?</p> <p>21     <b>A.</b> I'm not a head of that department. I know that</p> <p>22 there were previous situations, and he was conscious of --</p> <p>23 (Discussion off the record.)</p> <p>24     <b>A.</b> Previous situations where Bishop Gregory took</p>	<p style="text-align: center;">Page 136</p> <p>1 after that situation that Bishop Gregory would have been</p> <p>2 careful not to repeat a situation which would be contested.</p> <p>3     <b>MS. BROSIUS:</b> Let's take a break.</p> <p>4     <b>MR. INGOLD:</b> Well, I just want to</p> <p>5 finish this line --</p> <p>6     <b>THE WITNESS:</b> All right.</p> <p>7     <b>MR. INGOLD:</b> -- of questioning.</p> <p>8     <b>THE WITNESS:</b> Yes.</p> <p>9     <b>MR. INGOLD:</b> It won't be very long.</p> <p>10     <b>BY MR. INGOLD:</b></p> <p>11     <b>Q.</b> So that was back in 2005 and 2006, is that</p> <p>12 correct, or thereabouts?</p> <p>13     <b>A.</b> Thereabouts.</p> <p>14     <b>Q.</b> A few years ago?</p> <p>15     <b>A.</b> Yes, a few years ago.</p> <p>16     <b>Q.</b> Okay. Maybe four years ago, maybe five years ago?</p> <p>17     And you said it was that activity that caused you</p> <p>18 to find Mark Fisher as an attorney?</p> <p>19     <b>MS. BROSIUS:</b> Objection.</p> <p>20     <b>A.</b> To my knowledge, I think so.</p> <p>21     <b>MS. BROSIUS:</b> You know what, I'm</p> <p>22 going to -- I'm just going to caution you</p> <p>23 not to reveal the content of any</p> <p>24 communications you may have had --</p>

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<p>1           THE WITNESS: Oh, yes, yes, yes. 2           MS. BROSIUS: -- with Mark or -- 3           THE WITNESS: I see. 4           MR. INGOLD: Sure. 5           MS. BROSIUS: -- any of the other 6           attorneys. 7   BY MR. INGOLD: 8           <b>Q.</b> And -- and I totally agree with her. So let me 9           just make sure the record's clear. It was that activity in 10          2004 -- 11          <b>A.</b> No, no, no, no. We had a previous, and we were 12          advised to find copyright lawyers, not just a lawyer. 13          <b>Q.</b> Okay. 14          <b>A.</b> And that was before, another situation, about 15          copyright. 16          <b>Q.</b> How long has he actually been the attorney -- 17          <b>A.</b> Oh -- 18          <b>Q.</b> -- for HTM? 19          <b>A.</b> -- I don't know. 20          <b>Q.</b> Could it be decades? 21          <b>A.</b> No, not decades, but at least ten years. 22          <b>Q.</b> Okay. 23          <b>A.</b> I think. I don't know. I cannot be held to, you 24          know.</p>	<p>1           <b>Q.</b> Wasn't it a translation of the Syriac? 2           <b>A.</b> No. It was translation from the Greek. But 3           because there were ambiguous -- ambiguous portions and 4           difficult places, we had to go back to the Syriac. That 5           meant that we got him the equipment and spent the money 6           to -- for him to learn Syriac, to get the dictionaries, to 7           get the microfilms of manuscripts, et cetera, in the Syriac 8           language, in the Greek language, ancient manuscripts, to be 9           able to come out with critical text. 10          <b>Q.</b> Did anyone else at the monastery learn Syriac 11          other than Father Mamas, now known as Dana Miller? 12          <b>A.</b> Yes. 13          <b>Q.</b> Who? 14          <b>A.</b> Father Pachomius, much better. He's of Syrian 15          background. 16          <b>Q.</b> Okay. 17          <b>A.</b> So he had a very good background. 18          <b>Q.</b> And he was working on that translation? 19          <b>A.</b> No, no, no. He did not work there. He worked on 20          other translations. 21          <b>Q.</b> Well, that's what I'm talking about. To make this 22          work, The Ascetical Homilies of St. Isaac the Syrian, who 23          at the monastery learned Syriac other than farmer -- Father 24          Mamas, now known as Dana Miller?</p>
<p style="text-align: center;">Page 138</p> <p>1           <b>Q.</b> Let me show you what's been marked as Deposition 2          Exhibit 93. 3           (Exhibit 93, certificate of copyright 4           registration, marked.) 5           <b>Q.</b> Do you recognize this exhibit? 6           <b>A.</b> Yes, yes. It's why I said it was before. 7           <b>Q.</b> Okay. This was back in 2004, 2005? 8           MS. BROSIUS: Objection. 9           <b>Q.</b> Is that correct? 10          <b>A.</b> What it says, I don't know. I don't remember 11          things like that. 12          <b>Q.</b> It was this claim by Dana Miller, formerly Father 13          Mamas, that led to the lawsuit against Archbishop Gregory 14          in 2005 and 2006; is that correct? 15          <b>A.</b> Yes, because of the work. 16          MS. BROSIUS: Objection. 17          <b>Q.</b> I'm sorry? 18          MS. BROSIUS: Go ahead. 19          <b>A.</b> Yes, because the work was copyrighted by the 20          monastery. 21          <b>Q.</b> Okay. Who actually translated it? 22          <b>A.</b> It was Father Mamas, but not by himself totally. 23          Already translations had been done of some of the homilies 24          before by our Father Arsenios.</p>	<p style="text-align: center;">Page 140</p> <p>1           <b>A.</b> I told you, later Father Pachomius. 2           <b>Q.</b> To do this work -- 3           <b>A.</b> No, not this work. 4           <b>Q.</b> -- back in the 1980s? 5           <b>A.</b> Not this work. 6           <b>Q.</b> Okay. Well, I guess my question wasn't clear. So 7           let me try to -- 8           <b>A.</b> Yes. 9           <b>Q.</b> -- ask it more clearly. 10          To make this work, The Ascetical Homilies of St. 11          Isaac the Syrian, which was created back in the 1980s, who 12          learned Syriac at the monastery other than Father Mamas, 13          now known as Dana Miller, in order to make this work back 14          in the 1980s? 15          <b>A.</b> Just him. 16          <b>Q.</b> Just Father Mamas, now known as Dana Miller -- 17          <b>A.</b> Yes. 18          <b>Q.</b> -- is that correct? 19          <b>A.</b> Yes, yes. 20          <b>MR. INGOLD:</b> Would this be a good 21          time to break for lunch? 22          MS. BROSIUS: Okay. 23          THE WITNESS: Yes. 24          THE VIDEOGRAPHER: This marks the end</p>

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<p>1       of videotape number 2 in the deposition of      2       Father Panteleimon. We're going off the      3       record. The time is 12:03.      4             (Recess.)      5       THE VIDEOGRAPHER: We're back on the      6       record. This marks the beginning of      7       videotape number 3 in the deposition of      8       Father Panteleimon. The time is 1:26.      9       MR. INGOLD: Okay. Mr. Keller, would      10      you mind shutting that door, so we don't      11      disturb the rest of the office.      12      MR. KELLER: Oh, sure.      13      MR. INGOLD: I appreciate that.      14      Thank you.      15      Counsel, I also -- have you also been      16      independently recording portions of this      17      deposition?      18      MS. BROSIUS: Independently?      19      MR. INGOLD: Yeah. Well, apart from      20      the court reporter and videographer?      21      MS. BROSIUS: No.      22      MR. INGOLD: Okay. I was just      23      wondering. I thought I had observed that.      24      And I guess my request would be to invoke</p>	<p>1       been marked as Exhibit 9.      2             (Exhibit 9, The Ascetical Homilies of      3             St. Isaac the Syrian, marked.)      4       Q. And if you'd just take a moment and look through      5       that or just until you know what it is.      6       A. Yes, yes.      7       Q. Okay. Do you already recognize what Exhibit 9 is?      8       A. Yes. It's The Ascetical Homilies of St. Isaac the      9       Syrian.      10      Q. Okay. And that's the work that we were discussing      11      before the lunch break that Father Mamas, now known as --      12      A. Right.      13      Q. -- Dana Miller, had a hand in; is that correct?      14      A. Right. Absolutely.      15      Q. Okay. And you recognize Exhibit 9 as one of the      16      works in which Holy Transfiguration Monastery is claiming      17      copyright?      18      A. Yes.      19      Q. Okay. Father Mamas, now known as Dana Miller, he      20      actually translated the majority of this work from the      21      Greek as well as --      22      A. Yes.      23      Q. -- making corrections from the Syriac; is that      24      correct?</p>
<p style="text-align: center;">Page 142</p> <p>1       the rule of sequestration between the      2       deponents.      3       MS. BROSIUS: I guess I'm not      4       understanding what -- what you're      5       suggesting or what -- what you mean by      6       that. Independently recording?      7       MR. INGOLD: No. I guess independent      8       of the independent recording thing, I'm      9       invoking the rule of sequestration of      10      witnesses regarding the deponents'      11      testimonies this week, that they wouldn't      12      confer with each other between depositions.      13      MS. BROSIUS: I'll get back to you on      14      that.      15      MR. INGOLD: Okay. Well, just for      16      the record, I -- I believe the rules of      17      evidence do apply to proceedings such as      18      this, and the rule of sequestration is one      19      that can be invoked by any party, and I'm      20      invoking it.      21      MS. BROSIUS: Okay.      22      MR. INGOLD: Okay. Thank you.      23      BY MR. INGOLD:      24      Q. Father Panteleimon, I'd like to hand you what's</p>	<p style="text-align: center;">Page 144</p> <p>1       A. Correct. Correct.      2       Q. Okay. In fact, there were only about ten homilies      3       that were translated by another person, and he had to      4       actually correct those; is that right?      5       A. Yeah, revise them.      6       Q. Okay. I'd like to collect that exhibit back from      7       you. And I will trade it for what is Exhibit 10.      8             (Exhibit 10, The Octoechos, marked.)      9       Q. Do you recognize Exhibit 10?      10      A. Yes. Absolutely.      11      Q. What do you recognize Exhibit 10 to be?      12      A. It's The Octoechos, the complete Octoechos.      13      Q. Okay. And do you recognize Exhibit 10 as one of      14      the documents in which Holy Transfiguration Monastery      15      claims copyright?      16      A. Absolutely.      17      Q. Okay. And let me trade Exhibit 10 for Exhibit 11.      18             (Exhibit 11, Collected Dismissal      19             Hymns, Kontakia, and Megalynaria for the      20             Liturgy Year, marked.)      21      Q. Do you recognize Exhibit 11?      22      A. Yes, absolutely.      23      Q. I'm sorry, can you -- could you say that again?      24      A. Oh, let me see. It's not titled.</p>

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<p>1      Q. And -- And I --      2      A. Oh, dismissal hymns.      3      Q. -- apologize, but I can't quite hear you.      4      A. Yes, yes, yes. Dismissal hymns. It's not the      5      megalyrnaria.      6      Q. Okay. So --      7      A. It's not the megalyrnaria.      8      Q. -- you recognize Exhibit 11 as what?      9      A. As the dismissal hymns.      10     Q. Oh, okay. Great.      11     A. Dismissal hymns, kontakia, megalyrnaria, but not      12     that whole --      13     (Discussion off the record.)      14     A. That's the -- the collection.      15     Q. And do you recognize Exhibit 11, then, as a      16     document in which Holy Transfiguration Monastery is      17     claiming copyright?      18     A. Yes.      19     Q. Okay. The Octoechos and the Collected Dismissal      20     Hymns, they were never published, were they?      21     A. No. We haven't come out with our final version.      22     We haven't fine-tuned them yet.      23     Q. How many years has it been since you copyrighted      24     Exhibits 10 and 11?</p>	<p>1      they would not reproduce it, they would not share with      2      others. It was just for their use, private use. And, lo      3      and behold, we get notice that a publishing house down      4      south by a clergyman of the Russian Church Abroad was going      5      to publish it for the first time.      6      Q. What was his name?      7      A. Father Williams.      8      Q. Okay.      9      A. And he was going to publish it. And we wrote to      10     him and said, "What are you talking about?" And this,      11     first of all, is not the final edition, and also it was      12     with an understanding, whoever had a copy of the whole      13     Pentecostarion, that they would not reproduce it.      14     "My spiritual father," he answered, "gave me a      15     blessing to -- this is text of the church, it belongs to      16     the church, and therefore you cannot claim that it's      17     yours."      18     That made us make haste to publish it. And we did      19     what we could in a short period of time of revising it, and      20     we published it. Now it's out of stock -- what do they      21     call it -- out of print, and we are hoping by the end of      22     the year, the beginning of next year, to reprint it. And      23     it's out of print for some years now. And we really worked      24     now and have come out with a fine tuned.</p>
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<p>1      A. You'll have to ask the --      2                MS. BROSIUS: Objection.      3      A. -- person.      4      Q. Do you know?      5      A. No, I don't. The people that are responsible for      6      the copyrighting would know.      7      Q. If I were to represent to you that The Octoechos      8      was registered with the copyright office back in 1986, and      9      the dismissal hymns were registered with the copyright      10     office back in 1987, would you have any reason to disagree      11     with me?      12     A. I have no way to agree or disagree. I don't know.      13     Q. Okay. Can -- can you help me understand, as -- as      14     somebody who was an abbot of Holy Transfiguration      15     Monastery, why an important service book like The Octoechos      16     and the dismissal hymns would be kept away from the people      17     of the church for more than two decades?      18                MS. BROSIUS: Objection.      19     A. Until we come out with our final version, we don't      20     want to have faulty things or things that we'll have to      21     revise after and have a second edition with revisions. A      22     good example, we have the pen -- pen -- Pentecostarion.      23     That's one of our publications. And we have given out of      24     charity copies to parishes to use, with the understanding</p>	<p>1      We would have not have published it hastily if      2      Father Williams had not -- was not ready to publish it on      3      his own. And when we brought up to his attention to      4      consider -- there is a term that they use, a samizdat.      5      Samizdat. Underground publications. That was to escape      6      the notice of the Soviet authorities. And they were      7      published anonymously so you couldn't trace who published      8      them. So in order to avoid any controversy of copyright,      9      they were willing, this group of people, to publish it in      10     such a manner.      11     Q. Now, this concern about Father Williams, that's an      12     event that's recited in the introduction to the      13     Pentecostarion that --      14     A. Oh.      15     Q. -- HTM finally published, correct?      16     A. That I don't remember. Probably, yes, yes, very      17     probable. So we even mentioned it, that that's the reason      18     we were publishing it.      19     Q. Now, when --      20     A. Before time.      21     Q. When the Pentecostarion draft copies were sent      22     out, do you know if they had any copyright notices on them?      23     A. I -- I am not conscious of that. I cannot tell      24     you.</p>

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<p>1       <b>Q.</b> Okay. The sending out of translations into the      2 church at large, that happened with more than just the      3 Pentecostarion, didn't it?</p> <p>4       <b>A.</b> To our own parishes, dismissal hymns, it's not      5 complete works, but, yes, a lot, a lot was shared.</p> <p>6       <b>Q.</b> So these different works that we've been looking      7 at, you would share them with a parish priest, correct?</p> <p>8       <b>A.</b> Absolutely. Absolutely. For certain periods that      9 were English, totally English, they didn't have an orthodox      10 language used.</p> <p>11      <b>Q.</b> And that way the parish priest could also comment      12 on your translations and assist with corrections?</p> <p>13      <b>A.</b> Yes, yes. We had some feedback.</p> <p>14      <b>Q.</b> And these were the parish priests of the Russian      15 Orthodox Church Abroad, correct, up until the mid '80s?</p> <p>16      <b>A.</b> Yes.</p> <p>17      <b>Q.</b> Okay.</p> <p>18      <b>A.</b> There wasn't much feedback, because they weren't      19 competent. They didn't know the original language.      20 They're just about syntax.</p> <p>21      <b>Q.</b> And --</p> <p>22      <b>A.</b> Not about translation, though.</p> <p>23      <b>Q.</b> Those drafts that went out to the parish priests,      24 they didn't have copyright notices on them, did they?</p>	<p>1       it, what would be the problem with him relying on the civil      2 law instead of an ecclesiastical promise?</p> <p>3                          <b>MS. BROSIUS:</b> Objection.</p> <p>4       <b>A.</b> I don't understand your question.</p> <p>5       <b>Q.</b> Okay. We talked earlier about the difference      6 between ecclesiastical law and Justinian law, correct?</p> <p>7       <b>A.</b> Right.</p> <p>8       <b>Q.</b> Okay. Civil law of Byzantium and the canon law,      9 The Rudder law, right?</p> <p>10      <b>A.</b> Right.</p> <p>11      <b>Q.</b> Now, if Father Williams wanted to rely on United      12 States civil law and take things that had been sent to him      13 without copyright notice and publicize them, and if he was      14 entitled to do that under the civil law --</p> <p>15      <b>A.</b> I --</p> <p>16      <b>Q.</b> -- why would church law stop him from that?</p> <p>17                          <b>MS. BROSIUS:</b> Objection.</p> <p>18      <b>A.</b> Because even without church law, word of honor.      19 He promised. But then I'm under the understanding, even if      20 something is not copyrighted, that the people that -- do      21 have a certain ownership and they do have a certain right      22 over the -- when it's copyrighted and it's very clear, et      23 cetera, et cetera. And we made it clear to everyone that      24 we gave any of our translations that they were for personal</p>
<p style="text-align: center;">Page 150</p> <p>1       <b>A.</b> I cannot tell you. But it was with the      2 understanding, verbally and sometimes written, that they      3 would not be published or shared. It was only for their      4 own personal use.</p> <p>5       <b>Q.</b> To your knowledge, has Holy Transfiguration      6 Monastery provided me any written agreement between the      7 monastery and people who received draft versions that they      8 wouldn't publicize it?</p> <p>9       <b>A.</b> I cannot answer that. You have to ask the people      10 that are competent who you are going to --</p> <p>11      <b>Q.</b> But --</p> <p>12      <b>A.</b> -- depose later.</p> <p>13      <b>Q.</b> -- have you ever seen such a document?</p> <p>14      <b>A.</b> We trusted. I myself never requested. I trusted      15 they would be honorable and that they would honor our --      16 our agreement. We're clergymen; we should keep our word.</p> <p>17      <b>Q.</b> I'm going to trade you Exhibit --</p> <p>18      <b>A.</b> Father Williams acknowledged that he had promised,      19 but that he had been sorry, now he was going to break his      20 promise. He acknowledged in writing that that was the      21 agreement, but --</p> <p>22      <b>Q.</b> Well, if you actually were sending the document      23 out into the public domain, and if under the civil law of      24 the United States of America, he then was free to publish</p>	<p style="text-align: center;">Page 152</p> <p>1       use and not to be published.</p> <p>2       <b>Q.</b> What is the earliest point in time that you would      3 have sent versions of these translations to the parish      4 priests? 1960, 1970?</p> <p>5       <b>A.</b> I cannot remember any dates, to tell you the      6 truth.</p> <p>7       <b>Q.</b> Was it before you left ROCOR?</p> <p>8       <b>A.</b> Oh, yes. Oh, yes.</p> <p>9       <b>Q.</b> Okay.</p> <p>10      <b>A.</b> And this was done at that time through our Father      11 Ephraim, who's now metropolitan.</p> <p>12                          (Discussion off the record.)</p> <p>13      <b>A.</b> Father Ephraim. Ephraim, E-p-h-r-a-i-m, yeah.      14 And he was a secretary, and he took care of the      15 correspondence, the requests, et cetera. It was discussed      16 among us, et cetera. There wasn't that many copies sent      17 out, I must say. Because there weren't that many      18 parishes --</p> <p>19      <b>Q.</b> Okay.</p> <p>20      <b>A.</b> -- that were using English that requested it.</p> <p>21      And --</p> <p>22      <b>Q.</b> Let me trade you Exhibit 11 for what is Exhibits      23 12 and 13. And I'm going to represent to you that 12 and      24 13 are actually one document. They just happen to be in</p>

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<p>1       two exhibits.</p> <p>2                 (Exhibit 12-13, Pentecostarion,</p> <p>3                 marked.)</p> <p>4       THE WITNESS: Pentecostarion. It's</p> <p>5       Pentecostarion. Oh, it's the -- it's one</p> <p>6       book, eh?</p> <p>7       MS. BROSUS: I'm sorry, Chris, what</p> <p>8       are the numbers, 12 and 13?</p> <p>9       MR. INGOLD: Yes.</p> <p>10      THE WITNESS: Yes. So it's one book.</p> <p>11     BY MR. INGOLD:</p> <p>12      Q. And if you'd just take a moment to look at</p> <p>13     Exhibits 12 and 13 until you could tell me what you're</p> <p>14     looking at.</p> <p>15      A. Yes.</p> <p>16      Q. What --</p> <p>17      A. It's --</p> <p>18      Q. -- are you looking at?</p> <p>19      A. It's the complete Pentecostarion from the Sunday</p> <p>20     of the Resurrection 'til the Sunday after Pentecost of All</p> <p>21     Saints.</p> <p>22      Q. And that's the work that you were saying the</p> <p>23     monastery had to rush to print because of --</p> <p>24      A. Right.</p>	<p>1       Q. Okay. We have now looked at Exhibit 10, The Great</p> <p>2       Horologion; Exhibit 8, the Prayer Book; Exhibit 9, the</p> <p>3       Ascertical Homilies; Exhibit 10, The Octoechos; Exhibit 11,</p> <p>4       the Collected Dismissal Hymns; Exhibits 12 and 13, the</p> <p>5       Pentecostarion; and Exhibit 15, The Psalter; right?</p> <p>6       A. How about the Prayer Book?</p> <p>7       Q. Yeah, the Prayer Book was Exhibit 8.</p> <p>8       A. All right.</p> <p>9       Q. Okay. So those seven works, are those seven works</p> <p>10      what this lawsuit is about, to your knowledge?</p> <p>11      A. No, I don't have knowledge.</p> <p>12      Q. You don't know.</p> <p>13      A. I don't know the details.</p> <p>14      Q. Now, all these different works -- except for The</p> <p>15      Psalter, maybe -- the Pentecostarion, the dismissal hymns,</p> <p>16      draft versions were sent out to parish priests of the</p> <p>17      Russian Orthodox Church, at least some of them?</p> <p>18      A. At least some, not -- not all.</p> <p>19      Q. To some of the priests, but not all of the</p> <p>20      priests?</p> <p>21      A. And not all the services.</p> <p>22      Q. Okay. And those draft versions that went out went</p> <p>23      out without any copyright notice?</p> <p>24      MS. BROSUS: Objection.</p>
<p>1       Q. -- what Father Williams was --</p> <p>2      A. About to do.</p> <p>3      Q. -- telling the monastery?</p> <p>4      A. Yeah.</p> <p>5      Q. Okay. Do you recognize Exhibits 12 and 13, the</p> <p>6      Pentecostarion, as a work in which the monastery is</p> <p>7      claiming copyright?</p> <p>8      A. Absolutely.</p> <p>9      Q. Okay. I will trade you those two exhibits for</p> <p>10     what's marked as Exhibit 15.</p> <p>11      (Exhibit 15, The Psalter, marked.)</p> <p>12      Q. Do you recognize deposition --</p> <p>13      A. Yes.</p> <p>14      Q. -- Exhibit 15?</p> <p>15      A. The Psalter.</p> <p>16      Q. Say what?</p> <p>17      A. The Psalter.</p> <p>18      Q. And that's the one work that you actually assisted</p> <p>19     with translating?</p> <p>20      A. Absolutely.</p> <p>21      Q. Okay. And you recognize Exhibit 15, the Psalter,</p> <p>22     then, as a work in which the monastery is claiming</p> <p>23     copyright?</p> <p>24      A. Yes.</p>	<p>1       A. I don't know that either. I cannot tell you</p> <p>2       truthfully.</p> <p>3       Q. But they would have gone out before you stopped</p> <p>4       commemorating the bishops of the Russian Orthodox Church</p> <p>5       around 1986, correct?</p> <p>6       MS. BROSUS: Objection.</p> <p>7       A. Much went out after, because that's when parishes</p> <p>8       were formed that were non-Greek or Russian.</p> <p>9       Q. Okay.</p> <p>10      A. So there were a few occasions before. Very few.</p> <p>11      That weren't that many parishes that required English.</p> <p>12      Q. Would you deny that the dismissal hymns were going</p> <p>13      out to the parishes in the mid '70s?</p> <p>14      A. I cannot affirm or deny. I didn't keep track of</p> <p>15      all this. I wasn't the secretary. I wasn't responsible.</p> <p>16      Q. But you do know that some of these draft versions</p> <p>17      went out to some of the parish priests --</p> <p>18      A. Yes, because they --</p> <p>19      MS. BROSUS: Objection. Asked and</p> <p>20      answered.</p> <p>21      MR. INGOLD: Well, no --</p> <p>22      MS. BROSUS: Give me a pause here.</p> <p>23      Thank you.</p> <p>24      MR. INGOLD: Yeah.</p>

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<p>1       <b>Q.</b> I'm trying to ask a specific question that's all      2 linked together, and it hasn't been asked this way, and it      3 will take me a minute to get it out --</p> <p>4       <b>A.</b> Okay.</p> <p>5       <b>Q.</b> -- and your attorney may want to object.</p> <p>6       <b>A.</b> All right.</p> <p>7       <b>Q.</b> Okay? You would admit, would you not, that some      8 of these draft versions of the works that we were just      9 looking at went to some of the Russian orthodox priests of      10 the Russian Orthodox Church Abroad before the monastery      11 stopped commemorating the bishops of the Russian Orthodox      12 Church Outside of Russia?</p> <p>13      <b>A.</b> Yes.</p> <p>14      <b>Q.</b> Yes. (Pause.)</p> <p>15       Have you ever seen an affidavit of Father      16 Pachomius regarding this present lawsuit and the events      17 that led up to it?</p> <p>18      <b>A.</b> No. Since I'm not involved in that if there's a      19 problem, no, I have not seen affidavits.</p> <p>20      <b>Q.</b> Were you involved at all with the litigation that      21 involved the monastery and Archbishop Gregory in Michigan      22 around 2004, 2005?</p> <p>23      <b>A.</b> No, I was not.</p> <p>24      <b>Q.</b> 2006?</p>	<p>1       '50s, when we were students at the theological school in      2 Brookline. And then, of course, I went back and finished      3 two more years of university; I went to the Holy Mount. So      4 it was many years later I returned. He was still a layman,      5 but he was a graduate. He was a secretary to the bishop of      6 Boston for the Greek correspondence, and his Greek was very      7 good. And then I was present at his marriage when he      8 married a local girl from Cambridge, Massachusetts,      9 Presbyterian, and then he got ordained. So we've been, you      10 know, from the early '50s we had a bond, a friendship. And      11 he is the one that started the Christian Witness -- the      12 Orthodox Christian Witness publication.</p> <p>13      <b>Q.</b> And I -- I think your voice is so soft --</p> <p>14      <b>A.</b> Oh, I see.</p> <p>15      <b>Q.</b> -- it's hard for the court reporter --</p> <p>16      <b>A.</b> Forgive me.</p> <p>17      <b>Q.</b> -- to pick it up.</p> <p>18      <b>A.</b> Forgive me, yes.</p> <p>19      <b>Q.</b> Okay. I know that this is a --</p> <p>20      <b>A.</b> Right. I should turn this way better.</p> <p>21      <b>Q.</b> I -- I know it's a different way than we usually      22 speak.</p> <p>23       But did St. Nectarios Press publish materials that      24 were produced by the monastery?</p>
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<p>1       <b>A.</b> I was not.</p> <p>2       <b>Q.</b> Okay. Since the mid '80s, have you had any      3 involvement in the monastery apart from attending the --      4 what did you call it -- meetings?</p> <p>5       <b>A.</b> The annual meetings and the -- and the synaxis.</p> <p>6       <b>Q.</b> The synaxis. And how often does the synaxis take      7 place?</p> <p>8       <b>A.</b> Usually once a week.</p> <p>9       <b>Q.</b> Okay. And you participate in those?</p> <p>10      <b>A.</b> Of course.</p> <p>11      <b>Q.</b> Okay.</p> <p>12      <b>A.</b> All of us, even the bishops.</p> <p>13      <b>Q.</b> And as spiritual father of the monastery, you      14 continue to provide direction to monks?</p> <p>15      <b>A.</b> To a degree, yes, absolutely, but not      16 independently of the abbot. We work as a team.</p> <p>17      <b>Q.</b> What do you know by St. Nectarios Press?</p> <p>18      <b>A.</b> That was founded when the parish was formed, oh, I      19 don't even remember what years.</p> <p>20      <b>Q.</b> What parish?</p> <p>21      <b>A.</b> St. Nectarios of Seattle.</p> <p>22      <b>Q.</b> Okay.</p> <p>23      <b>A.</b> Because there's St. Nectarios in Toronto, also,      24 Canada. And of course I knew Father Neketas from the early</p>	<p>1       <b>A.</b> Yes.</p> <p>2       <b>Q.</b> Okay. And --</p> <p>3       <b>A.</b> Others also.</p> <p>4       <b>Q.</b> Many times when St. Nectarios Press published      5 them, were they violating what the monastery wanted them to      6 do with those works?</p> <p>7       <b>A.</b> No, because it was with the blessing of the      8 monastery.</p> <p>9       <b>Q.</b> Okay. So St. Nectarios Press published works      10 prepared by the monastery with the blessing of the      11 monastery?</p> <p>12      <b>A.</b> Correct.</p> <p>13      <b>Q.</b> Okay. And when they published those works, many      14 times they did no copyright notice, correct?</p> <p>15       MS. BROSIIUS: Objection.</p> <p>16      <b>A.</b> I have no idea.</p> <p>17      <b>Q.</b> You have no idea, okay?</p> <p>18      <b>A.</b> And I don't know what the laws are.</p> <p>19      <b>Q.</b> How many times did you see a work that was created      20 by Holy Transfiguration Monastery that was published by St.      21 Nectarios Press and it had a copyright or a C with a circle      22 on it?</p> <p>23      <b>A.</b> That I am not able to answer either.</p> <p>24      <b>Q.</b> Can you recall ever seeing such a thing?</p>

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<p>1      A. Oh, I think I can. I think so.      2      Q. But you're not sure?      3      A. But -- well, later times, absolutely.      4      Q. But --      5      A. But in the early times, I'm not sure. I don't      6      know.      7      Q. The '70s and '80s, maybe not?      8            MS. BROSIOUS: Objection.      9      A. Again, that's something that someone who is on the      10     thing can verify. I cannot say yes, no.      11     Q. Who was on that in the '70s and '80s?      12     A. Would have been Bishop Ephraim, and then later      13     Father Pachomius.      14     Q. When did Father Pachomius start up those duties?      15     A. That I don't remember either. He's been with us      16     some time.      17     Q. Were you aware that Archbishop Gregory was sued by      18     Holy Transfiguration Monastery because of materials he had      19     on his website?      20     A. It was brought to my attention.      21     Q. Before the suit was filed?      22     A. I would think so. I don't know.      23     Q. Okay. And what was your opinion at that time to      24     learning that?</p>	<p>1      and that's what prompted us to print our pockets. Now      2      since we print, it's been gone second edition already, it's      3      so popular, the pocket edition.      4            They were obliged, the convent there, to put a      5      sticker in the copies they had left that it was translated      6      by Holy Transfiguration Monastery. They didn't put a      7      copyright in it, but they put it was translated by Holy --      8      Boston. Because there's Holy Transfiguration Convent in      9      Pennsylvania, and there's other Holy Transfigurations.      10     Q. Have you ever heard of a website called "The      11     Dynamic Horologion and Psalter"?      12     A. I don't know how to use the Internet. I -- I      13     don't know anything about web sites.      14     Q. Yes.      15     A. I don't know how to find them. I don't have a      16     computer.      17     Q. But that's not my question. Have you ever      18     heard of --      19     A. No.      20     Q. -- a website --      21     A. No.      22     Q. -- called --      23     A. No. I have not.      24     Q. Okay. And, again, just as a reminder, even though</p>
<p style="text-align: center;">Page 162</p> <p>1      A. I said that, well, we've had this done before on      2      so many occasions, and when we ever brought it to the      3      attention of the people, in most instances they asked      4      forgiveness and they gave accreditation that it was      5      copyrighted by the Holy Transfiguration Monastery.      6            In a few instances -- someone had put the whole      7      Psalter in the South. He, when he understood it was      8      serious, withdrew it from the Internet, that he understood      9      that he was out of order. But others, they just would      10     acknowledge this and they would put it in.      11     And also in Jerusalem once they printed a pocket-      12     size edition, pocket edition of our Psalter. They didn't      13     even reset it. They just facsimile the whole Psalter as it      14     was printed by us. And someone bought it in Jerusalem and      15     brought it to us; it was Vacoma Kasimani (phon sp). And we      16     wrote them, and they were very indignant that why should we      17     make it an issue, that they had every right. And we      18     explained to them they didn't have the right; they should      19     at least put the copyright so that someone would not just      20     pick it up and reprint it and -- and then think it was      21     never copyrighted, the translation.      22     And their spiritual father was Archbishop Mark of      23     Berlin. He saw the seriousness of the thing. He      24     acknowledged the error, and asked forgiveness, and written,</p>	<p style="text-align: center;">Page 164</p> <p>1      you might already know how to answer my question before I      2      finish, we should probably not --      3      A. All right.      4      Q. -- talk over each other; is that fair?      5      A. Fair. Fair.      6      Q. Okay. Have you ever heard of a church called      7      Protection of the Mother of God Church?      8      A. We have one ourselves.      9      Q. Okay. This one would be part of the Russian      10     Orthodox Church Outside of Russia.      11     A. Might be more than one.      12     Q. Okay.      13     A. It's a popular feast among the Russians. It's a      14     Russian feast.      15     Q. This one is in Rochester, New York.      16     A. Oh, yes, I've heard of it.      17     Q. Okay. Do you know that with the blessing of the      18     monastery, they have a complete Psalter on their website?      19     A. Possibly. I don't know.      20     Q. Okay.      21     A. But it's with a blessing, right? It says      22     copyright or not? I don't know.      23     Q. Are you aware of the reaction of Archbishop      24     Gregory as soon as he realized that the monastery was upset</p>

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<p>1 about what he posted on his website?</p> <p>2     <b>A.</b> No, no.</p> <p>3         MS. BROSIUS: Objection.</p> <p>4     <b>A.</b> No, I don't.</p> <p>5     <b>Q.</b> Are you aware that he immediately made those items</p> <p>6 that were potentially complained of not accessible</p> <p>7 immediately?</p> <p>8     <b>A.</b> As I say, I don't see the Internet; I don't know</p> <p>9 what's going on. That's the fathers that are responsible.</p> <p>10    <b>Q.</b> You haven't even talked about that with the other</p> <p>11 fathers?</p> <p>12   <b>A.</b> No. There was no reason. I have many other</p> <p>13 things to attend to.</p> <p>14   <b>Q.</b> Okay. What are -- what are the other things, the</p> <p>15 many other things you do lately regarding the monastery's</p> <p>16 life?</p> <p>17   <b>A.</b> I still do translations.</p> <p>18   <b>Q.</b> Okay.</p> <p>19   <b>A.</b> I still do a lot of reading and a lot of prayers.</p> <p>20   <b>Q.</b> Okay.</p> <p>21   <b>A.</b> And hear confessions of people, parishes, priests,</p> <p>22 families. By mail, by telephone, by visits.</p> <p>23   <b>Q.</b> So you're very active --</p> <p>24   <b>A.</b> Yes. Yes.</p>	<p>1 the creation of Thy hands in Thine own holy name and that</p> <p>2 of Thine only begotten Son and of Thy life-creating Spirit,</p> <p>3 so that -- of Thine only begotten Son and of Thy life-</p> <p>4 creating spirit" -- oh -- "so that after being cleansed</p> <p>5 from all demonic influence, he/she may live godly, justly,</p> <p>6 and righteously and may be counted worthy to receive the</p> <p>7 Holy Mysteries of Thine only begotten Son and our God with</p> <p>8 Whom Thou art blessed and glorified together with the all</p> <p>9 holy and good and life-creating spirit now and ever and</p> <p>10 unto the ages of ages. Amen."</p> <p>11         MS. BROSIUS: Objection.</p> <p>12         <b>Q.</b> Do you think that that was a work translated by</p> <p>13 Holy Transfiguration Monastery?</p> <p>14         MS. BROSIUS: Objection.</p> <p>15         <b>A.</b> This -- this is from the exorcisms of St. John</p> <p>16 Chrysostom. And there's another set of exorcisms by St.</p> <p>17 Basil the Great which precede his and are longer than</p> <p>18 St. John Chrysostom's. And we have worked on the</p> <p>19 translation of the exorcisms for a long time, and it was</p> <p>20 especially the work of our Father Haralampos. And we have</p> <p>21 put out in a pamphlet form, and -- oh, no, we printed. We</p> <p>22 printed with copyright in one issue of the Vineyard -- The</p> <p>23 True Vine. The True Vine. That's the diocesan magazine.</p> <p>24 And it has even a line sketch of the demons and the</p>
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<p>1     <b>Q.</b> -- in the life of the monastery?</p> <p>2     <b>A.</b> Yes. Yes.</p> <p>3     <b>Q.</b> Okay. Were you told that everything that had been</p> <p>4 placed on the website of Archbishop Gregory infringed on</p> <p>5 the works of Holy Transfiguration Monastery?</p> <p>6         MS. BROSIUS: Objection.</p> <p>7     <b>A.</b> Not everything.</p> <p>8     <b>Q.</b> Okay.</p> <p>9     <b>A.</b> But quite a few things I was told.</p> <p>10    <b>Q.</b> I'm going to read something, and since you</p> <p>11 translate primarily Greek, correct?</p> <p>12    <b>A.</b> Right.</p> <p>13    <b>Q.</b> Okay. And this was written by St. John</p> <p>14 Chrysostom, who wrote in Greek, correct?</p> <p>15    <b>A.</b> Right, right.</p> <p>16    <b>Q.</b> Okay. I'm going to ask you, after I read this,</p> <p>17 whether you think anything like this was ever a work</p> <p>18 translated by Holy Transfiguration Monastery, okay?</p> <p>19         Okay. "O Eternal God, Who has redeemed the race</p> <p>20 of men from the captivity of the devil, deliver Thy</p> <p>21 servant/handmaid from all the workings of unclean spirits.</p> <p>22 Command the evil and impure spirits and demons to depart</p> <p>23 from the soul and body of your servant/handmaid and not to</p> <p>24 remain nor hide in him/her. Let them be banished from this</p>	<p>1 demons cast out by Photios Kontoglou and the translation of</p> <p>2 all these exorcisms. It sounds like it's ours, but I can't</p> <p>3 tell you for certain. I still read the exorcisms in Greek</p> <p>4 for people.</p> <p>5         <b>Q.</b> So you can't tell whether what I read to you --</p> <p>6         <b>A.</b> No.</p> <p>7         <b>Q.</b> -- was different --</p> <p>8         <b>A.</b> No.</p> <p>9         <b>Q.</b> -- or not different --</p> <p>10         <b>A.</b> No.</p> <p>11         <b>Q.</b> -- from how you translated it?</p> <p>12         <b>A.</b> No, I cannot remember that.</p> <p>13         MS. BROSIUS: Objection.</p> <p>14         <b>A.</b> It was not translated by me, and I don't usually</p> <p>15 use English for the exorcisms.</p> <p>16         <b>Q.</b> Okay.</p> <p>17         <b>A.</b> And they -- I don't know in Hapgood -- I don't</p> <p>18 think the exorcisms are in Hapgood, but there must be</p> <p>19 another -- I don't know -- translation. I have no idea.</p> <p>20 But we have done, I know that much.</p> <p>21         <b>Q.</b> Is there a need for the exorcism prayers to be</p> <p>22 available in English to the clergy of the church?</p> <p>23         <b>A.</b> Of course.</p> <p>24         MS. BROSIUS: Objection. Go ahead.</p>

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<p>1     <b>A.</b> Of course.      2     <b>Q.</b> Why do you say that?      3     <b>A.</b> Because they're -- it's the position.      4     <b>Q.</b> Is that something that should wait years to come      5     to the people of the church?      6                 MS. BROSIUS: Objection.      7     <b>A.</b> It is available.      8     <b>Q.</b> Okay.      9     <b>A.</b> It was printed, as I told you.      10    MR. INGOLD: Is 94 the next exhibit?      11    THE STENOGRAPHER: Yes.      12    MR. INGOLD: I'm going to show you      13    what will be marked as Exhibit 94. And      14    while we're at it, why don't we collect      15    back the other exhibits so we don't      16    misplace them.      17    (Exhibit 94, spring 2005 catalog      18    price list, marked.)      19    <b>Q.</b> Do you recognize Exhibit 94?      20    <b>A.</b> Yes.      21    <b>Q.</b> What is it?      22    <b>A.</b> It's a catalog price list.      23    <b>Q.</b> For --      24    <b>A.</b> Spring 2005.</p>	<p>1     <b>Q.</b> Do you have knowledge of --      2     <b>A.</b> No.      3     <b>Q.</b> -- whether --      4     <b>A.</b> No.      5     <b>Q.</b> -- you know --      6     <b>A.</b> No.      7     <b>Q.</b> -- something or not?      8     <b>A.</b> No. I don't know, but I -- I don't know that we      9     ever did.      10    <b>Q.</b> Let me -- let me just back up so that we have a      11    clear record here.      12    Do you have a good awareness of what you know      13    versus what you don't know?      14    <b>A.</b> Well, if I know, I know. If I don't know --      15    <b>Q.</b> Okay.      16    <b>A.</b> We're a large community; we have so many projects;      17    I can't know everything.      18    <b>Q.</b> Okay. Exactly.      19    <b>A.</b> And my memory fails me too --      20    <b>Q.</b> Okay. So --      21    <b>A.</b> -- because of my sugar problem.      22    <b>Q.</b> So I'm asking you, based on your personal      23    knowledge, do you know whether the monastery has ever      24    offered to pay Archbishop Gregory for the continued sale of</p>
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<p>1     <b>Q.</b> For Holy Transfiguration Monastery?      2     <b>A.</b> Yes. For Holy Transfiguration Monastery.      3     <b>Q.</b> If you could turn to page 22, which has a stamp      4     HTM 0000065 in the lower right-hand corner.      5     <b>A.</b> 22.      6     <b>Q.</b> Do you see that that page has icon enlargements      7     and reductions on it?      8     <b>A.</b> Right.      9     <b>Q.</b> And icons are offered for sale through the      10    remainder of the catalog to the end, right?      11    <b>A.</b> I believe so.      12    <b>Q.</b> Is that correct?      13    <b>A.</b> Correct.      14    <b>Q.</b> Okay. A large number of those icons offered for      15    sale were written by Father Gregory, now Archbishop      16    Gregory, correct?      17    <b>A.</b> When he was a member of the community, correct.      18    <b>Q.</b> Has Holy Transfiguration Monastery ever offered to      19    pay Archbishop Gregory for the continued use of his icons?      20    <b>A.</b> No.      21                 MS. BROSIUS: Objection.      22    <b>Q.</b> To your knowledge.      23                 MS. BROSIUS: Objection.      24    <b>A.</b> To my knowledge, no. No.</p>	<p>1     his icons?      2     <b>A.</b> I don't --      3                 MS. BROSIUS: Objection.      4     <b>A.</b> -- think so.      5                 MS. BROSIUS: Sorry. Let me      6     intersperse -- interpose that objection,      7     and then you can answer the question.      8                 THE WITNESS: All right.      9     <b>Q.</b> Okay. Go ahead and answer.      10    <b>A.</b> I have no -- no knowledge that we ever offered to      11    pay, no.      12    <b>Q.</b> I'm sorry. Can you --      13    <b>A.</b> No. No.      14    <b>Q.</b> I couldn't quite hear you.      15    <b>A.</b> No.      16    <b>Q.</b> Okay. And -- and, I'm sorry, the -- and I -- I      17    know that this is an unusual situation, but you're being      18    very soft spoken, and it's kind of hard to hear you.      19    <b>A.</b> Yes, all right. You said that before.      20    <b>Q.</b> Okay. So could you help me out and let me know:      21    Has the monastery ever offered to pay Archbishop Gregory      22    for the use of his icons?      23    <b>A.</b> No.      24                 MS. BROSIUS: Objection.</p>

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<p>1     <b>A.</b> Because -- all right. Because we have not      2     considered that they are property of Archbishop Gregory,      3     since they were done while he was in the community, a      4     member of the community. It's property of the community,      5     communally. Not individual people in their community.      6     Don't have individual property. That's part of the vows --      7       <b>Q.</b> Okay.      8       <b>A.</b> -- of the Schema, that we don't have a personal      9     property. It's communal.      10      <b>Q.</b> And that's why many monks actually live in      11     hermitages, because they have taken vows of poverty?      12       MS. BROSIUS: Objection.      13       <b>A.</b> Yes.      14       <b>Q.</b> Is that correct?      15       <b>A.</b> Yes. All monks take a vow of poverty --      16       <b>Q.</b> Okay. And --      17       <b>A.</b> -- when they make vows.      18       <b>Q.</b> And monasteries are not created to make a profit,      19     are they?      20       <b>A.</b> No.      21       MS. BROSIUS: Objection.      22       <b>A.</b> Right.      23       <b>Q.</b> Is that correct?      24       <b>A.</b> Correct.</p>	<p>1       <b>A.</b> Correct.      2       <b>Q.</b> And some of those icons that were sold and      3     benefitted Holy Transfiguration Monastery were icons      4     written by Father Gregory?      5       <b>A.</b> When he was a member and was supported and taken      6     care of by the monastery.      7       <b>Q.</b> And those --      8       <b>A.</b> As a member of the monastery, as all of us are      9     taken care of.      10       <b>Q.</b> And those icons continue to be sold to this very      11     day, correct?      12       <b>A.</b> Yes, correct.      13       <b>Q.</b> Okay. How did Holy Transfiguration Monastery      14     obtain the money to start manufacturing incense?      15       <b>A.</b> We started in the kitchen, rolling by hand. We      16     still roll. And it was a communal project. And in the      17     beginning it was very little, because we made very little,      18     but then the more we made, the more we sold, the more we      19     had to buy the raw incense, the olibanum tears from      20     Ethiopia and Somalia and other places, and then the      21     essences that are needed into it. We have to pulverize      22     first the incense tears to make it like flour to knead it      23     with the essences. It's a whole process.      24       <b>Q.</b> In fact, one of the ways that Holy Transfiguration</p>
<p>1       <b>Q.</b> They're create --      2       <b>A.</b> We have to earn our keep.      3       <b>Q.</b> They're created to be self-sustaining?      4       <b>A.</b> Self-sustaining. And it's becoming more and more      5     difficult because prices have gone up for the utilities,      6     for this, for that, just heating in this area, tens of      7     thousands of dollars every winter. We have large      8     buildings.      9       <b>Q.</b> Since the 1960s, year by year, Holy      10     Transfiguration Monastery has needed money to stay open and      11     keep operating, correct?      12       <b>A.</b> Absolutely.      13       <b>Q.</b> Is that correct?      14       <b>A.</b> Correct.      15       <b>Q.</b> And one of the ways since the 1960s that Holy      16     Transfiguration Monastery has gotten money to stay open has      17     been through the sale of incense, correct?      18       <b>A.</b> Correct.      19       <b>Q.</b> Is that correct?      20       <b>A.</b> Correct. One of the items, yes.      21       <b>Q.</b> And one of the ways that Holy Transfiguration      22     Monastery has stayed open, financially meeting its needs      23     from the 1960s to the present, has been through the sale of      24     icons, correct?</p>	<p>1     Monastery had the money to start manufacturing incense was      2     because they had received money through the sale of icons      3     written by Father Gregory, correct?      4       <b>A.</b> No, not necessarily, no, no. Because we have so      5     many communal things to pay for, right, that that's a very      6     small fraction.      7       <b>Q.</b> In part --      8       <b>A.</b> In part, yes, in part of everything. In part all      9     our work, that's the way we pay our keep. In part all our      10     work. Every member contributes. There isn't one member      11     that doesn't contribute. "He who doesn't work doesn't      12     eat," says the Apostle.      13       <b>Q.</b> So the admonitions in the New Testament are just      14     as binding on --      15       <b>A.</b> Yes.      16       <b>Q.</b> -- the church as the canons of The Rudder?      17       <b>A.</b> Absolutely.      18       MS. BROSIUS: Objection.      19       <b>Q.</b> Well, and -- and we're kind of talking over each      20     other, so the record's not clear. So --      21       <b>A.</b> We have -- we have the injunction from the Old      22     Testament, "By the sweat of your brow, you will earn your      23     bread," to Adam after the -- he was exiled from Paradise.      24     We have the injunction of St. Paul, "He who doesn't work</p>

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<p>1        doesn't eat."</p> <p>2        And we have our monastic rules, and we have the 3 injunctions of our spiritual elder, the founder, way back, 4 Father Joseph the Cave Dweller, who told me very early, in 5 writing even, in one of his letters, never to ask money 6 from lay -- laity. "If you ask money and you receive 7 money, you receive their debts also. As long as you work, 8 you can work; you will earn your keep by your work. If you 9 get sick and are not able to -- to work, then you will open 10 and spread out your hand to receive alms. Otherwise, you 11 are not excused to be asking for funds from other working 12 people to upkeep yourselves as monastics."</p> <p>13       We've abided by that. All our communities. The 14 sisters make beeswax candles; they sew. The other sisters 15 in the West Coast make tea lights and others. Everywhere, 16 all our communities, we have never made one appeal or 17 fundraising situation ever to any jurisdiction to any 18 people.</p> <p>19       There have been kind people on their own that 20 have, in memory of their parents to have a mercy meal, that 21 have donated. Even a few inheritances. But we never knew 22 about it; we never solicited it; we never cultivated for 23 them to leave us an inheritance. But they have included 24 that. That's rare. But a few occasions. And that's the</p>	<p>1        Q. So the -- the instructions and the admonitions of 2 the New Testament are just as binding on the orthodox 3 Christian as the canons of The Rudder; is that correct?</p> <p>4              MS. BROSIUS: Objection.</p> <p>5        A. I would think so. St. Paul himself says, "I don't 6 want to be a burden to anyone. With the work of these, my 7 hands, I upkeep myself. I don't want to be a burden to 8 you."</p> <p>9        Q. Which has more authority --</p> <p>10       A. But in other places, it says, you don't muzzle the 11 oxen that treads out the corn, which means he was entitled, 12 since he was their preacher, since he was their 13 evangelizer, since he was their baptizer, that he would be 14 upheld by the community. But he didn't demand it.</p> <p>15       Q. In your own life, which has more authority, the 16 teachings of the New Testament or the canons of The Rudder?</p> <p>17       A. They're one.</p> <p>18              MS. BROSIUS: Objection.</p> <p>19       A. For us they're one. We don't --</p> <p>20       Q. What do you mean by that?</p> <p>21       A. We don't make a distinction. It's part of the 22 whole package. It's interwoven. You can't say the New 23 Testament is independent, the canons are independent, the 24 teachings are independent. It's one package, one fabric,</p>
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<p>1        way we've been able to repair certain very expensive 2 things, like to pave our road.</p> <p>3        We have a private way coming up, up to the house, 4 it's a long way. It cost \$120,000. It was done last year. 5 We did not have that money for over 25 years. Therefore, 6 we had unbelievable potholes. And but we couldn't -- we 7 were paving over them; we were filling the potholes, you 8 know, with top -- blacktop, et cetera. But, again, they 9 would deteriorate with the winter, with the frost. And 10 finally someone left us an inheritance, and from that we 11 were able to do that. But otherwise, no, it is our own 12 work, and we -- we struggle, but we do it, and we don't 13 make appeals.</p> <p>14       Q. Okay. This kind of paying your own way in the 15 ministry, is that what the Protestants call a tent-making 16 ministry?</p> <p>17       MS. BROSIUS: Objection.</p> <p>18       A. I don't know the terms of the Protestants. That's 19 the first time I hear it, tent-making. I know about 20 tithes, I've heard that, and that was in the Old Testament.</p> <p>21       Q. In the New Testament, what did the Apostle Paul do 22 to --</p> <p>23       A. He made tents. So I -- I understand where it 24 comes from, but I have never heard it before.</p>	<p>1        one tapestry. So we're not Bible sola. That's Luther. 2 Scripture, only Scripture. We're the living tradition that 3 we received. St. Paul speaks of these traditions in the 4 epistle to Thessalonians. "Stand fast, stand fast, and 5 keep all the traditions you have received, either by writ 6 or by mouth," either in writing or orally. We have many 7 traditions in our orthodox church from the Apostles that 8 are never recorded; they're oral.</p> <p>9       Q. Earlier today you described how Holy 10 Transfiguration Monastery left the jurisdiction of 11 patriarch of Constantinople and came under the jurisdiction 12 of the Russian Orthodox Church Outside of Russia; is that 13 correct?</p> <p>14       A. Correct.</p> <p>15       Q. Okay. Who is Holy Transfiguration Monastery under 16 the jurisdiction of today?</p> <p>17       MS. BROSIUS: Objection. You can 18 answer.</p> <p>19       A. We have our own bishops, our own synod.</p> <p>20       Q. Now, these are bishops of the monastery?</p> <p>21       A. No. These are bishops of the church. Many came 22 from the monastery, but not all.</p> <p>23       Q. So when you say we have --</p> <p>24       A. Bishops have to be from monastics. They cannot be</p>

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<p>1 from the married clergy unless there's a widower of the      2 monastic clergy and then he becomes a monastic first and      3 then he becomes a bishop. That's canon law.      4     <b>Q.</b> Since the Council of Carthage?      5     <b>A.</b> Well, one of those councils. I forget which one.      6     <b>Q.</b> Okay.      7     <b>A.</b> But we don't impose celibacy on the -- on the      8 parish clergy.      9     <b>Q.</b> There were married bishops in the early church --      10    <b>A.</b> Absolutely.      11    <b>Q.</b> -- were there not?      12    <b>A.</b> St. Peter himself was married.      13    <b>Q.</b> So why are there no married bishops today?      14    <b>A.</b> It's one of the traditions that for administration      15 reasons, for pastoral reasons, was done away with. But      16 it's a possibility; again, it's not an impossibility. I      17 mean it was another tradition. There were other Judaisms      18 that we received from the Hebrews which were used in the      19 early church and then later were dispensed with.      20    <b>Q.</b> Do you know which council set forth the canon that      21 the bishops should put their wives away and no longer be      22 married?      23    <b>A.</b> No. And I can't do -- I don't remember.      24    <b>Q.</b> Okay.</p>	<p>1     <b>A.</b> I think, yes.      2     <b>Q.</b> Okay. And you've done your best to answer the      3 questions?      4     <b>A.</b> Best. Best.      5     <b>Q.</b> And you're not on any medication -- and I don't      6 need to know what they are, if you are taking any. But      7 you're not on any medication and none of your physical      8 problems are such that it would make you not be able to      9 tell the truth today; is that correct?      10    <b>A.</b> I take medications. All medications have side      11 effects.      12    <b>Q.</b> Okay. Do you think that you've not been able to      13 speak truthfully today?      14    <b>A.</b> I don't think so, but what can I tell you? I      15 mean, you know, if you read the side effects, it's a      16 horrifying situation, but usually they just -- they have to      17 list them. But it doesn't mean that in every instance all      18 these side effects take effect. But there are side      19 effects; I know that myself.      20    <b>Q.</b> So --      21    <b>A.</b> My experience.      22    <b>Q.</b> -- you think that you may not have been able to      23 answer me truthfully in response --      24    <b>A.</b> No. I think --</p>
<p style="text-align: center;">Page 182</p> <p>1     <b>A.</b> I used to know a lot of things. But not of late.      2 I'm 74 years old, and I have problems.      3     <b>Q.</b> What kind of problems do you have?      4     <b>A.</b> I'm diabetic; I have cholesterol; I have      5 arthritis. I've had many, many operations, about six,      6 eight, in the last 20 years or so.      7     <b>Q.</b> Okay.      8     <b>A.</b> So I mean I'm not physically in the best -- I tire      9 very quickly.      10    <b>Q.</b> Have any of your physical problems today prevented      11 you from telling me the truth or answering truthfully in      12 response to my questions?      13    <b>A.</b> I've answered to the best of my ability. If I      14 can't remember, if I'm -- I told you I can't remember or --      15    <b>Q.</b> Okay.      16    <b>A.</b> -- you know, I -- I'm not apt in these other      17 situations about computers and sites. And first time I      18 heard this thing you told me about, what was it about?      19 Horologion or something, you know, who put it out. This is      20 the first time I hear about it.      21    <b>Q.</b> Okay. So you've understood my questions when I've      22 asked them, and when you haven't --      23    <b>A.</b> I think. I think.      24    <b>Q.</b> -- you've let me know?</p>	<p style="text-align: center;">Page 184</p> <p>1     <b>Q.</b> -- to my questions?      2     <b>A.</b> I think I've tried to answer truthfully and if I'm      3 not confused. But if my sugar goes very low, then of      4 course I'm dazed. Then I'm like I'm not here. That's      5 happened.      6     <b>Q.</b> Can you reflect back on the course of the      7 deposition today and kind of think what happened throughout      8 the day?      9                          MS. BROSIUS: Objection.      10    <b>A.</b> I forget very quickly. If you ask me what you      11 first asked, I cannot remember. And I -- I'm already      12 tired. But that's because of my condition.      13    <b>Q.</b> Do you realize most people probably couldn't      14 remember what the deposition started out?      15    <b>A.</b> Also. And they are much younger. And they don't      16 have the medical problems.      17    <b>Q.</b> This is my question --      18    <b>A.</b> But I used to. I used to have a photographic      19 memory.      20    <b>Q.</b> As you think back over the course of today, do you      21 think there was any point in time where you were not able      22 to understand or answer my questions?      23    <b>A.</b> No, I don't think. I think I understood.      24    <b>Q.</b> Okay. And you answered truthfully to the best of</p>

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<p>1        your ability?</p> <p>2        A. To the best of my ability, yes.</p> <p>3        Q. Okay.</p> <p>4        A. My sugar in the morning was good.</p> <p>5        Q. Okay.</p> <p>6        A. But by now, I don't know.</p> <p>7        Q. As you sit here --</p> <p>8        A. It fluctuates.</p> <p>9        Q. -- today answering questions, do you fear God?</p> <p>10      MS. BROSIUS: Objection.</p> <p>11      A. We always fear God.</p> <p>12      Q. Why?</p> <p>13      MS. BROSIUS: Objection.</p> <p>14      A. Because God is present. He's awesome. Ever present.</p> <p>16      Q. Okay. What admonitions about lying are in the Book of Revelation?</p> <p>18      MS. BROSIUS: Objection.</p> <p>19      A. There are many admonitions throughout the Scriptures.</p> <p>21      Q. I'm asking these questions for a purpose. At the start of today's deposition, the court reporter asked you to affirm.</p> <p>24      A. Yes.</p>	<p>1        Q. Okay. And you would not do that?</p> <p>2        A. To the best of my ability.</p> <p>3        Q. Okay. You would not break the commandments of God as revealed in the Scriptures?</p> <p>5        MS. BROSIUS: Objection.</p> <p>6        A. I hope.</p> <p>7        Q. Okay. And you would not break the commandments of God as revealed in the canons of The Rudder?</p> <p>9        MS. BROSIUS: Objection.</p> <p>10      A. Normally, no.</p> <p>11      Q. Okay. Where were you born?</p> <p>12      A. Detroit, Michigan.</p> <p>13      Q. And where did you go to school?</p> <p>14      A. Detroit, Michigan.</p> <p>15      Q. What is the level of your education?</p> <p>16      A. I got a bachelor from Wayne State University.</p> <p>17      Q. In what area of education?</p> <p>18      A. History.</p> <p>19      Q. History. Any particular field of history?</p> <p>20      A. Medieval history.</p> <p>21      Q. Okay. Of the West or the East?</p> <p>22      A. It was one. One empire at the time. Roman Empire, Byzantine Empire, included the West and the East.</p> <p>24      Q. What years did that cover in world history?</p>
<p>Page 186</p> <p>1        Q. Okay.</p> <p>2        A. We don't take oaths. We affirm.</p> <p>3        Q. So as a clergyman, you would not swear; you wouldn't say --</p> <p>5        A. No.</p> <p>6        Q. -- "I swear to" -- you wouldn't do that; is that correct?</p> <p>8        A. We affirm.</p> <p>9        Q. And why not?</p> <p>10      A. Because it's in the Scriptures not to take oaths.</p> <p>11      Q. Okay. However, the Scriptures are also very clear about God's position about lying, correct?</p> <p>13      A. Yes, yes, yes.</p> <p>14      MS. BROSIUS: Objection.</p> <p>15      Q. And in the New Testament, what does it say about people who lie?</p> <p>17      MS. BROSIUS: Objection.</p> <p>18      Q. Is that a good thing or a bad thing for their eternal salvation?</p> <p>20      A. Bad.</p> <p>21      MS. BROSIUS: Objection.</p> <p>22      Q. Why?</p> <p>23      MS. BROSIUS: Objection.</p> <p>24      A. Well, it's moral law.</p>	<p>Page 188</p> <p>1        A. It was from Constantine the Great, St. Constantine, in the fourth century, 300s, 'til the high middle ages, the beginning of the renaissance.</p> <p>4        Q. What was the --</p> <p>5        A. 12th century, something, 14th century.</p> <p>6        Q. What was the Norse impact on world history?</p> <p>7        A. The -- the what impact?</p> <p>8        Q. Scandinavian or Norse.</p> <p>9        MS. BROSIUS: Objection.</p> <p>10      A. They were not civilized like the Romans and the Byzantines at the time. So they were like tribes, and like the Franks.</p> <p>13      Q. How about post-Christianization Scandinavia?</p> <p>14      MS. BROSIUS: Objection.</p> <p>15      A. Post Christian? That's after Christian.</p> <p>16      Q. Well, after Christianity was introduced.</p> <p>17      A. They produced saints. They produced saints. All the nations everywhere, even China produced saints when Christianity reached their shores.</p> <p>20      Q. When did you decide to become a nun -- a monk?</p> <p>21      A. I decided quite early. It was my heroes from my childhood. I heard the lives of the saints, especially the desert fathers, and I dreamt of going to the desert.</p> <p>23      Q. As a child?</p>

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<p>1      <b>A.</b> Yes.</p> <p>2      <b>Q.</b> Okay.</p> <p>3      <b>A.</b> I was not physically very well. I had a hemi --</p> <p>4      semi hemophilia.</p> <p>5      <b>Q.</b> Okay.</p> <p>6      <b>A.</b> And I couldn't play because the least bleeding</p> <p>7      would become -- I had to go to the hospital. Any teeth</p> <p>8      work. Tonsils, I almost died after -- two days after the</p> <p>9      clot when I was bleeding to death.</p> <p>10     <b>Q.</b> Was there any person that you decided to become a</p> <p>11     monk together with, a friend that you said, "Hey, let's</p> <p>12     both become monks"?</p> <p>13     <b>A.</b> There were three of us.</p> <p>14     <b>Q.</b> Who?</p> <p>15     <b>A.</b> There was one, William Rosin, who became Basil</p> <p>16     when he became orthodox; and one Kenneth, Kenneth Lassky,</p> <p>17     Lassky, I think, who became later independently Konon,</p> <p>18     Father Konon. We were going to leave together for the Holy</p> <p>19     Mountain, and they chickened out at the last minute and I</p> <p>20     went by myself.</p> <p>21     <b>Q.</b> Did you go to college with Konon Lassky?</p> <p>22     <b>A.</b> No. I don't know if he went to college. I don't</p> <p>23     think he went. William Rosin did go. We were in the same</p> <p>24     class even.</p>	<p>1      answer.</p> <p>2      <b>A.</b> Right after we had --</p> <p>3      MR. INGOLD: Form or foundation,</p> <p>4      counsel?</p> <p>5      MS. BROSIUS: It's vague.</p> <p>6      MR. INGOLD: Okay. Thank you. I</p> <p>7      appreciate it. I'll try to clarify.</p> <p>8      <b>Q.</b> One of the reasons why here you get an explanation</p> <p>9      for why objections are made, I get a second chance. I can</p> <p>10     try to fix the question. Okay?</p> <p>11     Do you recall I was asking you previously about</p> <p>12     how you came to be under the jurisdiction of the Russian</p> <p>13     Orthodox Church?</p> <p>14     <b>A.</b> Yes.</p> <p>15     <b>Q.</b> Yes?</p> <p>16     <b>A.</b> Yes.</p> <p>17     <b>Q.</b> Okay. Now I'm trying to understand what</p> <p>18     jurisdiction the Holy Transfiguration Monastery is under.</p> <p>19     It's no longer under the Russian jurisdiction, correct?</p> <p>20     MS. BROSIUS: Objection.</p> <p>21     <b>A.</b> Correct.</p> <p>22     <b>Q.</b> Okay. What jurisdiction is Holy Transfiguration</p> <p>23     Monastery under now?</p> <p>24     MS. BROSIUS: Objection.</p>
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<p>1      <b>Q.</b> Did you know that --</p> <p>2      <b>A.</b> And Father -- Father Konon is older than me, a bit</p> <p>3      older. He is not my age. The other man was my age. We</p> <p>4      were teenagers together and young men at the same time.</p> <p>5      <b>Q.</b> Did you know that Father Konon was convicted of</p> <p>6      child molestation and went to jail?</p> <p>7      <b>A.</b> I've heard of that. I heard it.</p> <p>8      <b>Q.</b> Have you spoken with him?</p> <p>9      MS. BROSIUS: Objection.</p> <p>10     <b>A.</b> No.</p> <p>11     <b>Q.</b> Since that point in time?</p> <p>12     <b>A.</b> We've lost contact --</p> <p>13     MS. BROSIUS: Objection.</p> <p>14     <b>A.</b> -- for ages and ages. Decades. And he has not</p> <p>15     contacted us and he is not part of us.</p> <p>16     <b>Q.</b> We were talking just a little bit ago you said</p> <p>17     Holy Transfiguration Monastery has its own bishops, and I</p> <p>18     was -- I was asking you that question to compare it with,</p> <p>19     you know, you were under the Constantinople patriarchate,</p> <p>20     and then you were under the Russian Orthodox Church Outside</p> <p>21     of Russia, and I was trying to figure out where you're at</p> <p>22     now, under what authority?</p> <p>23     <b>A.</b> So right after --</p> <p>24     MS. BROSIUS: Objection. You can</p>	<p>1      <b>A.</b> We had to seek -- we had to seek orthodox --</p> <p>2      MR. INGOLD: Counsel, form or</p> <p>3      foundation or what?</p> <p>4      MS. BROSIUS: Again, it's objecting</p> <p>5      to your use of "jurisdiction" as vague.</p> <p>6      <b>A.</b> Well, we had to find orthodox bishops, and we</p> <p>7      found them in Greece. Since I am of Greek background and</p> <p>8      the senior fathers are of Greek background, Father Ephraim,</p> <p>9      Father Haralampos, Father Isaac, the present abbot. We are</p> <p>10     all of Greek parentage, but all born here. And so we're</p> <p>11     first generation from immigrants.</p> <p>12     <b>Q.</b> Okay. Let me -- let me follow --</p> <p>13     <b>A.</b> So we appealed to a canonical jurisdiction in</p> <p>14     Greece, and we were accepted.</p> <p>15     <b>Q.</b> Okay. I need -- I need to try to fix the</p> <p>16     objection that counsel --</p> <p>17     <b>A.</b> All right. Yes, yes, yes.</p> <p>18     <b>Q.</b> -- had to my question. So let me try that.</p> <p>19     Do you understand "jurisdiction" to be a word with</p> <p>20     special meaning within church and church history?</p> <p>21     <b>A.</b> It's an administrative word.</p> <p>22     <b>Q.</b> Okay. What does -- in the terms of the church and</p> <p>23     the church life, what does the word "jurisdiction" mean?</p> <p>24     <b>A.</b> That you belong to a group of bishops; you belong</p>

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<p>1 to a group of Christians under pastoral care of bishops.      2     <b>Q.</b> Okay. And in that sense, then, you were under the      3 jurisdiction at one time -- Holy Transfiguration Monastery      4 was -- of the patriarch of Constantinople, correct?      5     <b>A.</b> Right.      6     <b>Q.</b> Okay. Then you came under the jurisdiction of the      7 Russian Orthodox Church Outside of Russia, correct?      8     <b>A.</b> Correct.      9     <b>Q.</b> What jurisdiction is Holy Transfiguration      10 Monastery under at this point in time?      11     <b>A.</b> Under the True Orthodox Church of Greece,      12 Archbishop Auxentius, who has reposed. And our two      13 bishops, two bishops, were ordained there in Greece. One      14 by the archbishop himself and the other in his presence by      15 other bishops.      16     <b>Q.</b> What is the relationship of Holy Transfiguration      17 Monastery to the Holy Orthodox Church in North America?      18     <b>A.</b> That's our jurisdiction as it's incorporated.      19     <b>Q.</b> Okay. So the True Orthodox Church of Greece and      20 the Holy Orthodox Church of North America you would say are      21 one and the same?      22     <b>A.</b> We received our Episcopal ordinations from them.      23     <b>Q.</b> Okay. So this would be like -- and I know this      24 can be kind of confusing to people who don't know</p>	<p>1 the Russian bishops in this country.      2     And with the revolution, then there was such a      3 disarray -- disarray in the Russian church, and they broke      4 up even themselves abroad into different jurisdictions, the      5 Paris group, the OCA, which was Metropolia, the Exarchate,      6 the this, the that, and the Russian Church Abroad. And      7 then of course before that the Greeks were the first to      8 make separate and the Antiochians, and then the Romanians,      9 then the Bulgarians, and all the other ethnic groups made      10 their own jurisdictions.      11     So now we have three, four bishops of New York,      12 three, four bishops of Boston, you know what I mean? Et      13 cetera. And the Albanians have a bishop in Boston; the OCA      14 has a bishop of Boston; we have a bishop of Boston; the      15 Greek Archdiocese has a bishop of Boston, you see, which is      16 not the best of order. And until that is solved, but that      17 can be solved only if there's a pan-orthodox situation.      18 When is there going to be pan -- and are they going to be      19 orthodox in the pan-orthodox complication whenever they      20 come together? And now they're fighting. Most of the      21 fighting now inter -- is over jurisdiction, not over      22 matters of faith. It's over jurisdiction.      23     <b>Q.</b> You don't see SCOMA as a pan-orthodox --      24     <b>A.</b> No.</p>
<p style="text-align: center;">Page 194</p> <p>1 orthodoxy, but you can have a Serbian orthodox Christian in      2 China, and they just are under the jurisdiction of the      3 Serbian metropolitan, correct?      4     <b>A.</b> Usually there should be one bishop in one locale.      5     <b>Q.</b> Okay.      6     <b>A.</b> But because of the diaspora, because of the      7 pastoral needs, because of the difference in languages,      8 many different national jurisdictions sprung up.      9     <b>Q.</b> Okay.      10     <b>A.</b> In the beginning all were under the Russian      11 jurisdiction since they were the first to come to this      12 hemisphere through Alaska way back in the 1700s. That's      13 before any immigration from the Balkans, from Eastern      14 Europe, came to the United States. The 1700s, no one had      15 come. In the 1800s, very few, and by the end of the 1800s,      16 quite a few. And at the beginning of the 1900s, the big      17 immigration of all peoples, Slavs and Greeks and all      18 peoples from Europe and from everywhere. Now is especially      19 from the Far East.      20     So then as long as the Russian church was thriving      21 under the Russian empire, no one would dare set up a      22 separate jurisdiction because of ethnic or national      23 language. Therefore the Greeks, the Antiochians, which is      24 the Syrians, the Lebanese, the Romanians, were all under</p>	<p style="text-align: center;">Page 196</p> <p>1     <b>Q.</b> -- jurisdiction --      2     <b>A.</b> No.      3     <b>Q.</b> -- over the United States --      4     <b>A.</b> No.      5     <b>Q.</b> -- do you?      6     <b>A.</b> No, no, no, no.      7     <b>Q.</b> What is SCOMA?      8     <b>A.</b> That's supposed to be -- SCOMA.      9     <b>Q.</b> Standing Conference?      10     <b>A.</b> Standing Conference of Orthodox Bishops --      11     <b>Q.</b> Okay.      12     <b>A.</b> -- of America.      13     <b>Q.</b> Let's flesh this out a little bit. What's the      14 difference between old calendar and new calendar in the      15 orthodox church?      16     <b>A.</b> We were all under the Julian calendar. That was      17 the calendar that was used at the time of the birth of our      18 Savior and the Apostles, the martyrdoms, et cetera.      19 Although the Hebrews had their calendar, which was lunar.      20 The Julian calendar, named after Julius Caesar, who was      21 before Christ, was solar. Then we continued using that      22 calendar of the empire for all the feasts and for the      23 memorials of the martyrs, et cetera, until 1500s, something      24 like that.</p>

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<p>1      Q. Pope Gregory, right?</p> <p>2      A. Yeah, Pope Gregory.</p> <p>3      Q. Okay.</p> <p>4      A. Who said that there was an error in the 5      calculation of the days and hours and this and that, and 6      that so many days had accumulated, and the calendar should 7      be reformed to go ahead. Back then I think it was 10 days 8      or something. Since then it's become 13 days ahead, 9      according to their reckoning. The orthodox church and the 10     Protestant world -- because this was after the Reformation 11     that Pope Gregory changed the calendar with his astronomers 12     in Rome -- did not accept the innovation. They called it 13     innovation of Pope Gregory. And they said that "We're not 14     looking for accuracy of seasons, et cetera; we just have a 15     way of reckoning the feasts, et cetera, and we're fine as 16     we are all these centuries."</p> <p>17     Then, one by one, the European countries, the 18     Protestant countries, gave in. One of the last to give in 19     was England.</p> <p>20     Q. In fact, George Washington was born under the old 21     calendar, correct?</p> <p>22     A. And the revolution, the -- was under the old 23     style, Fourth of July, et cetera. And up to the beginning 24     of the 1800s, you will find in English history after a date</p>	<p>1      A. The -- the canons concerning not celebrating our 2      Easter, our Resurrection, before the Jewish Passover.</p> <p>3      Q. Because according to the apostolic canon, it must 4      always be celebrated after?</p> <p>5      A. And it was according to the -- it was the time of 6      the Passover our Savior was betrayed and crucified.</p> <p>7      Q. Okay. So the calendar issue seems funny to a lot 8      of people --</p> <p>9      A. Yeah.</p> <p>10     Q. -- but actually it's important, isn't it?</p> <p>11     A. It's integral. And as we said, all the things in 12     the church are interwoven --</p> <p>13     Q. Okay.</p> <p>14     A. -- in one package.</p> <p>15     Q. So going back to the True Orthodox Church of 16     Greece, are they old or new calendar?</p> <p>17     A. They're old. All of them are old.</p> <p>18     Q. Okay. And the Holy Orthodox Church of North 19     America, old or new calendar?</p> <p>20     A. Old. Traditional calendar.</p> <p>21     Q. And would you say that Holy Transfiguration 22     Monastery is part of the Holy Orthodox Church of North 23     America or part of the True Orthodox Church of Greece?</p> <p>24     A. We are a subsidiary of the church of Greece. We</p>
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<p>1      "OS" which stands for "old style." So they recorded that 2      it was not the reckoning of today's calendar, the Gregorian 3      calendar. In the orthodox world, we resisted until 1924, a 4      century later than the last Protestant country accepted the 5      Gregorian reckoning.</p> <p>6      Q. What is the problem --</p> <p>7      A. And then they -- it --</p> <p>8      Q. I'm sorry.</p> <p>9      A. It created a schism.</p> <p>10     Q. What is the problem with using the new calendar 11     and obeying the apostolic canon regarding the celebration 12     of Pascha?</p> <p>13     A. It -- it throws everything off. That's why even 14     the new calendarists of the orthodox did not touch the 15     reckoning of Pascha. They still go back to the Julian 16     calendar to reckon Pascha. They tried it in Romania. The 17     first two years, they had western Pascha.</p> <p>18     Q. So here's --</p> <p>19     A. And then there were bloodsheds.</p> <p>20     Q. Here's the question: The calendar issue really 21     underscores obedience to the canons, doesn't it?</p> <p>22     MS. BROSIUS: Objection.</p> <p>23     A. Obedience to tradition, yes. Yes.</p> <p>24     Q. Okay.</p>	<p>1      had our descent from there and our hierarchy from there. 2      But we are incorporated as here; we're present here.</p> <p>3      Q. Okay.</p> <p>4      A. So locally we are -- we claim to be the church in 5      North America.</p> <p>6      Q. Okay. So the Holy Orthodox Church of North 7      America is simply the American portion of the True Orthodox 8      Church of Greece?</p> <p>9      A. Yes. If you want to say that. You see, our 10     ecclesiology is not Papal, and therefore every local parish 11     is the complete church. It's not part of.</p> <p>12     Q. Okay.</p> <p>13     A. When we start speaking part of, then we're going 14     to have a Papal system. And then you're going to have to 15     have a head panoche, whatever they call it -- call it, 16     head --</p> <p>17     MS. BROSIUS: Pope. Sorry.</p> <p>18     A. Not first among equals, but first, primus, 19     pontificus, and to govern the whole situation 20     monastically. We're not. There's only three distinctions 21     of the clergy: Deacon, priest, bishop. A simple suffragan 22     bishop, who's not even a ruling bishop, has no less grace 23     nor more than a patriarch. A patriarchal liturgy is not 24     different from any other bishop's liturgy. It's the same</p>

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<p>1     Holy Spirit, the same changing of the elements of the      2     body by our Savior that we believe, et cetera. So these      3     distinctions are administrative. Of the dioceses, of      4     bishops, archbishops, metropolitans, patriarchs, and --      5         <b>Q.</b> So is the liturgy consubstantiation,      6         transubstantiation, or a mystery?      7             <b>A.</b> Change. We call it the change. It's not      8         consubstantiation.      9             <b>Q.</b> Would you say it's mystery or --      10          <b>A.</b> It's a mystery. It's a mystery.      11          <b>Q.</b> Is it consubstantiation?      12          <b>A.</b> We cannot explain it. Therefore, it's called      13         mystery, and it remains a mystery.      14          <b>Q.</b> Okay.      15          <b>A.</b> We are not scholastics who try to explain the      16         mysteries. As in Roman churches, they -- they do it by      17         transubstantiation and essence and substances and      18         distinctions like that.      19          <b>Q.</b> Bishop Ephraim is one of the bishops of the Holy      20         Orthodox Church of North America?      21          <b>A.</b> He's the president. Senior.      22          <b>Q.</b> So he's the metropolitan?      23          <b>A.</b> He's the metropolitan.      24          <b>Q.</b> How many bishops are in HOCNA?</p>	<p>1     him.      2         <b>Q.</b> What does it mean to be in communion with?      3         <b>A.</b> It means that if we visit, we would attend their      4         churches; if they visit, they would attend our churches.      5         <b>Q.</b> Is HOCNA in communion with all of the bishops of      6         the True Orthodox Church of Greece?      7         <b>A.</b> Some of them don't wish to be in communion. We      8         have one group that thinks they're the church and everyone      9         else is outside the church, that they're the only orthodox      10        bishops in Greece. We have that in the United States even;      11        some people think they're the only bishops.      12         MR. INGOLD: I understand that we're      13         just about out of videotape. Would this be      14         a good time to take a break?      15         THE WITNESS: Yes, it would be      16         good --      17         MR. INGOLD: Okay.      18         THE WITNESS: -- to take a break.      19         Thank you.      20         THE VIDEOGRAPHER: This marks the end      21         of videotape number 3 in the deposition of      22         Father Panteleimon. We're going off the      23         record. The time is 2:45.      24         (Recess.)</p>
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<p>1         <b>A.</b> Five.      2         <b>Q.</b> And HOCNA's the short version for Holy Orthodox      3         Church of North America?      4         <b>A.</b> Right.      5         <b>Q.</b> Okay.      6         <b>A.</b> And there's three metropolitans.      7         <b>Q.</b> There's three metropolitans in HOCNA?      8         <b>A.</b> Yes, and two are suffragan bishops.      9         <b>Q.</b> Okay. And how many bishops are in Greece as part      10        of the True Orthodox Church of Greece?      11         <b>A.</b> In Greece, there are many jurisdictions. There's      12         divisions among the old calendars as there are now among      13         the Russians.      14         <b>Q.</b> Does the monastery commemorate all those bishops      15         of the True Orthodox Church of Greece?      16         <b>A.</b> Since they -- since they stand for the same      17         confession that we stand, we consider them orthodox. And      18         we would --      19         <b>Q.</b> So you --      20         <b>A.</b> We would not prohibit someone to take communion in      21         the churches.      22         <b>Q.</b> You commemorate all of the bishops --      23         <b>A.</b> No, no, no. Each one commemorates his local      24         bishop, and the local bishop will commemorate who is above</p>	<p>1         THE VIDEOGRAPHER: We're back on the      2         record. This marks the beginning of      3         videotape number 4 in the deposition of      4         Father Panteleimon. The time is three      5         o'clock.      6         BY MR. INGOLD:      7         <b>Q.</b> I believe we were talking about which bishops the      8         monastery is now under the jurisdiction of, and I believe      9         you told me the bishops of the True Orthodox Church of      10        Greece, which would include the bishops of HOCNA; is that      11        correct?      12         <b>A.</b> Yeah. We're not under. Each bishop is of his      13         diocese. Responsible for his diocese.      14         <b>Q.</b> Okay. But the bishops together form a synod?      15         <b>A.</b> Synod, right.      16         <b>Q.</b> And so you are under the jurisdiction of the      17         synod?      18         <b>A.</b> Yes.      19         <b>Q.</b> And is there a synod that is convened between the      20         bishops in Greece and the bishops in America, or do they --      21         <b>A.</b> No.      22         <b>Q.</b> -- hold synods --      23         <b>A.</b> No.      24         <b>Q.</b> -- in their own countries?</p>

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<p>1     <b>A.</b> No. Their own countries.          2     <b>Q.</b> Okay. So would the monastery be under the synodal          3     bishops of Greece or the --          4     <b>A.</b> No.          5     <b>Q.</b> -- synodal bishops of HOCNA?          6     <b>A.</b> Of HOCNA.          7     <b>Q.</b> Okay. That's what I was trying to clarify.          8         And then directly the monastery is under the          9         jurisdiction of Bishop Ephraim?          10     <b>A.</b> Yes. Since we are in his diocese.          11     <b>Q.</b> Who's actually Metropolitan Ephraim.          12     <b>A.</b> Of Boston, right.          13     <b>Q.</b> Okay. And as we discussed previously, although          14     the abbot has the last word in a monastery, actually the          15     bishop has the last word?          16     <b>A.</b> To the bishop, one appeals if there is a          17     disagreement and cannot be resolved within the community.          18     And also he has the right, if he is reported to him          19     something which is out of order, to come and investigate or          20     to deal with it.          21     <b>Q.</b> Okay.          22     <b>A.</b> Otherwise, no, he does not meddle.          23     <b>Q.</b> So are you familiar with the canons of The Rudder          24     that talk about a bishop going into another bishop's</p>	<p>1     <b>A.</b> That's Roman Catholic understanding.          2     <b>Q.</b> If a person cannot manage the affairs of his own          3     house, can he be elevated to the bishopric?          4     <b>A.</b> That is evident, self-evident.          5     <b>Q.</b> Say what?          6     <b>A.</b> It's self-evident.          7     <b>Q.</b> Would -- well, give me the answer, because it may          8     not be evident.          9     <b>A.</b> I don't see that he would be elected bishop. But          10     that's not my -- I don't elect the bishop, so it's not my          11     jurisdiction --          12     <b>Q.</b> Okay.          13     <b>A.</b> -- so I don't have any -- any say in that.          14     <b>Q.</b> Are you familiar with the admonitions of St. Paul          15     regarding whether someone should be elevated to bishop if          16     they cannot manage the affairs of their own house?          17     MS. BROSIUS: Objection.          18     <b>A.</b> Yes, yes, yes.          19     MS. BROSIUS: Thank you.          20     <b>A.</b> Yes.          21     <b>Q.</b> What are those admonitions?          22     <b>A.</b> Oh, I can't remember now right off.          23     <b>Q.</b> Okay.          24     <b>A.</b> But they are. I've -- I've heard.</p>
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<p>1     jurisdiction and taking priests away from the other bishop?          2     <b>A.</b> Yes.          3     <b>Q.</b> What do the canons have to say about that?          4     <b>A.</b> That is out of order.          5     <b>Q.</b> Okay. And it -- it violates the canons?          6     <b>A.</b> Yes.          7     <b>Q.</b> Okay. So the bishop must have control over his          8     house?          9     <b>A.</b> Right.          10     <b>Q.</b> Which would be his jurisdiction, correct? So the          11     bishop must have control over his dioceses, which includes          12     the monastery?          13         MS. BROSIUS: Objection.          14     <b>A.</b> See, you use these words "control."          15     <b>Q.</b> Okay.          16     <b>A.</b> We don't use that in the church.          17     <b>Q.</b> How do you use it?          18     <b>A.</b> Bishop in Greece, episcopos.          19     <b>Q.</b> Okay.          20     <b>A.</b> Etymologically, the word comes "overseer." He          21     oversees. He is the senior father of the community.          22     <b>Q.</b> And if a person --          23     <b>A.</b> Of the -- not controls.          24     <b>Q.</b> If a person --</p>	<p>1     <b>Q.</b> Okay. So a bishop must manage the affairs under          2     his jurisdiction, including a monastery --          3     <b>A.</b> Oversees.          4     <b>Q.</b> -- or a convent --          5     <b>A.</b> Oversees.          6     <b>Q.</b> -- if they are under his jurisdiction?          7     <b>A.</b> Oversees.          8     <b>Q.</b> Is that correct?          9     <b>A.</b> Correct.          10     <b>Q.</b> Okay. You mentioned control as an issue that you          11     associated with the Catholic church; is that correct?          12     <b>A.</b> Yes. You see, when there was a Vatican I in          13     latter part of the 19th century, there were bishops in the          14     Roman Catholic that disagreed with the infallibility and          15     other teachings that were formulated in Vatican I -- in          16     Vatican I. That was in the 1800s. And they broke away.          17     They -- they formed the Polish Old Catholic Church, and a          18     few other groups.          19     <b>Q.</b> Were they Uniate Catholics?          20     <b>A.</b> No, no. They were Roman Catholic.          21     <b>Q.</b> Okay.          22     <b>A.</b> Roman right. Polish. And in this country and --          23     but there were others, not only just Polish bishops. And          24     they said, "No, this is not the ancient teaching of the</p>

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<p>1 church. This is something new. We don't accept it."</p> <p>2 At that time in the Roman Catholic Church, the</p> <p>3 properties belonged to the parishes who formed them. So</p> <p>4 there was a lot of litigation in the courts over</p> <p>5 properties. And in Rome, to safeguard a future situation</p> <p>6 of schisms, began a real control of everything, especially</p> <p>7 in this country, where the movement really flared up.</p> <p>8 And --</p> <p>9     <b>Q.</b> So is -- is --</p> <p>10    <b>A.</b> So --</p> <p>11    <b>Q.</b> -- HOCNA in fellowship with those Catholics?</p> <p>12    <b>A.</b> Of course not, no. They're still Roman right,</p> <p>13 and -- and they believe that we are in schism, the</p> <p>14 orthodox, and that there should be a papacy, but an</p> <p>15 orthodox papacy, not the heretical papacy, no.</p> <p>16    <b>Q.</b> So you're talking about the patriarch of Rome, who</p> <p>17 was coequal with the patriarch of Constantinople?</p> <p>18    <b>A.</b> Yeah, yeah. So what happens --</p> <p>19    <b>Q.</b> According to the --</p> <p>20    <b>A.</b> Since then -- since the Roman -- since then the</p> <p>21 Roman church has made a rule that all properties are in the</p> <p>22 name of the local bishop. Then there's a check for the</p> <p>23 local bishop so he can't take all the properties and leave</p> <p>24 Rome that then they're under the Pope ultimately in the</p>	<p>1 things. One will not come up with his own projects and,</p> <p>2 you know, be self-willed, self-called, "I want to be this;</p> <p>3 I want to be that." No. You're given an obedience. You</p> <p>4 follow your obedience.</p> <p>5     <b>Q.</b> Okay.</p> <p>6     <b>A.</b> So it isn't that "I want to be a priest," "I want</p> <p>7 to be a deacon," "I want to" -- no. Whoever is chosen by</p> <p>8 the community. There's an obedience, just like everything</p> <p>9 else an obedience.</p> <p>10    <b>Q.</b> Do you recall --</p> <p>11    <b>A.</b> And the cook is not less obedience than the</p> <p>12 priest. We have to have everything, everyone. We have to</p> <p>13 have the cook also, or else we don't have priests, we don't</p> <p>14 have anything, without the cook.</p> <p>15    <b>Q.</b> Do you recall a time when Metropolitan Ephraim,</p> <p>16 then Father Ephraim, almost threw Father Gregory,</p> <p>17 Archbishop Gregory, down the stairs because of some wood</p> <p>18 that was left on the saw?</p> <p>19    <b>MS. BROSIUS:</b> Objection.</p> <p>20    <b>A.</b> No, I have no recollection whatsoever of that.</p> <p>21    No.</p> <p>22    <b>Q.</b> You don't recall that?</p> <p>23    <b>A.</b> Truthfully, no, no.</p> <p>24    <b>Q.</b> You don't recall Father Gregory being very upset</p>
<p style="text-align: center;">Page 210</p> <p>1 final analysis. So there's a real control there.</p> <p>2     <b>Q.</b> Okay. Let's --</p> <p>3     <b>A.</b> So if --</p> <p>4     <b>Q.</b> Let's talk about --</p> <p>5     <b>A.</b> -- anybody else separates himself like the old</p> <p>6 Catholics, they'll have to step out and start their own</p> <p>7 parish all over again. They cannot take properties with</p> <p>8 them.</p> <p>9       We don't have that among ourselves. That's why we</p> <p>10 don't usually use the word "control." He shepherds, he</p> <p>11 oversees, but everyone has his own properties, and if they</p> <p>12 want to leave, we're not going to go to court over</p> <p>13 properties. Let them take their properties. They formed</p> <p>14 them; they're the ones that contributed; they're theirs.</p> <p>15 We're not going to contest it in court.</p> <p>16     <b>Q.</b> Let's talk about control.</p> <p>17     <b>A.</b> Yeah.</p> <p>18     <b>Q.</b> What kind of control does an abbot exercise within</p> <p>19 a monastery?</p> <p>20     <b>A.</b> He -- he hears thoughts, he -- he -- if there's</p> <p>21 any dissension, he will try to mediate, et cetera. It's</p> <p>22 pastoral.</p> <p>23     <b>Q.</b> What's the rule of obedience?</p> <p>24     <b>A.</b> Rule of obedience, that one will not do his own</p>	<p style="text-align: center;">Page 212</p> <p>1 and coming to you about that?</p> <p>2     <b>MS. BROSIUS:</b> Objection.</p> <p>3     <b>A.</b> I recall many things, but that I do not recall.</p> <p>4 You're going to have the bishop give deposition tomorrow.</p> <p>5 You can ask him.</p> <p>6     <b>Q.</b> Do you recall that Father Isaac struck Milton</p> <p>7 Kapner when he was at Holy Transfiguration Monastery?</p> <p>8     <b>MS. BROSIUS:</b> Objection.</p> <p>9       <b>THE WITNESS:</b> I should answer?</p> <p>10    <b>MS. BROSIUS:</b> You can answer.</p> <p>11    <b>THE WITNESS:</b> Eh?</p> <p>12    <b>MS. BROSIUS:</b> You can answer.</p> <p>13    <b>THE WITNESS:</b> Yes.</p> <p>14    <b>A.</b> What did you call him, Milton? His baptismal was</p> <p>15 Zacharias. I know him as his Zacharias. I didn't -- I</p> <p>16 didn't know him as Milton. He was a visitor, and we have a</p> <p>17 few visitors now that have been many years visitors, you</p> <p>18 know, an old Serbian man who can't be by himself, and he's</p> <p>19 semi-novice, and one Ephraim, a Mexican lad, who's now an</p> <p>20 older person; he's not a lad. But he's been with us 25, 30</p> <p>21 years.</p> <p>22       So he was with us quite a few years. Towards the</p> <p>23 end, he was made officially a novice, so he was given a</p> <p>24 little novice hat, you know, but he hadn't put on a robe</p>

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<p>1 yet. And he had emotional problems, and he was by the      2 government awarded a stipend monthly, since he could not      3 work. He had to be -- take medication. When he took his      4 medications, he was pretty well, very intelligent --</p> <p>5 Q. Father Panteleimon, I -- I don't mean to interrupt      6 you, but we won't finish today --</p> <p>7 A. All right.</p> <p>8 Q. -- if you don't actually --</p> <p>9 A. All right.</p> <p>10 Q. -- answer my questions.</p> <p>11 A. So what happens --</p> <p>12 Q. Let's -- let's interact here --</p> <p>13 A. All right.</p> <p>14 Q. -- for a second so that we can --</p> <p>15 A. Did he strike him. Yeah, he did strike him.</p> <p>16 Q. Let's -- let's go ahead --</p> <p>17 A. Yes, he struck him.</p> <p>18 Q. -- and interact for a minute.</p> <p>19 A. He struck him.</p> <p>20 Q. Okay. So --</p> <p>21 A. Why?</p> <p>22 Q. Just so that we are clear -- hold on. Hold on for      23 a second. I'm going to ask you very direct questions.</p> <p>24 A. Yes, yes, yes.</p>	<p>1 A. Father Andrew. What Father Andrew?</p> <p>2 Q. Archbishop Andrew who died.</p> <p>3 A. No. I --</p> <p>4 Q. You weren't aware of that?</p> <p>5 A. Numb?</p> <p>6 Q. His arm was numb.</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. No, no. This is a legend. This is not something      10 that ever was in our community that I heard about. It's      11 apocryphal.</p> <p>12 Q. The monastery is now under the jurisdiction of      13 HOCNA through Bishop Ephraim, correct?</p> <p>14 A. Correct. Correct.</p> <p>15 Q. Okay. And when did the monastery come under the      16 jurisdiction of HOCNA?</p> <p>17 A. When the bishops were ordained and we -- and our      18 synod was created here. Otherwise, we're under -- under      19 Archbishop Auxentius, and we commemorated him.</p> <p>20 Q. So was there -- like there was a blessing to leave      21 the patriarch of Constantinople and go to the Russian      22 Orthodox Church --</p> <p>23 A. There wasn't a blessing. There wasn't a blessing.</p> <p>24 Q. Okay.</p>
<p style="text-align: center;">Page 214</p> <p>1 Q. And I would appreciate a direct answer.</p> <p>2 A. All right. All right. All right.</p> <p>3 Q. And that will help the deposition actually move      4 forward, and maybe we'll even finish before 5:00.</p> <p>5 A. Oh.</p> <p>6 Q. I'd love to.</p> <p>7 A. All right. All right.</p> <p>8 Q. But we have to -- we have to be direct.</p> <p>9 A. All right.</p> <p>10 Q. The other attorneys in the room, they can ask you      11 follow-up questions.</p> <p>12 A. All right. All right.</p> <p>13 Q. Are you aware of that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Now I am.</p> <p>17 Q. So my only question was: Did Father Isaac struck      18 Milton Kapner, who you call Zacharias?</p> <p>19 A. Yes. I wasn't present. I heard.</p> <p>20 Q. Okay. But you heard about it. Are you aware of a      21 point in time when Father Isaac's hand was numb until he      22 went over the relics of Father Andrew?</p> <p>23 MS. BROSIUS: Objection. You can      24 answer.</p>	<p style="text-align: center;">Page 216</p> <p>1 A. That was an initiative on our part.</p> <p>2 Q. All right. What caused Holy Transfiguration      3 Monastery members to leave the Russian Orthodox Church and      4 go where? Go to HOCNA?</p> <p>5 A. No. Go to the bishops in Greece over matters of      6 faith.</p> <p>7 Q. Which would be the True Orthodox Church of Greece?</p> <p>8 A. Yes.</p> <p>9 Q. Who were the bishops that you first went to from      10 the Russian Orthodox Church?</p> <p>11 A. There were two bishops, Akakios and Gabriel.</p> <p>12 Q. Okay. And are they now bishops of the True      13 Orthodox Church of Greece?</p> <p>14 A. One has reposed; Gabriel has reposed. Akakios      15 returned to his synod.</p> <p>16 Q. What synod?</p> <p>17 A. Of Chrysostom Kiousis.</p> <p>18 Q. Okay. And what are the bishops now, then, of the      19 True Orthodox Church of Greece? What are their names?</p> <p>20 A. Oh, they have 50, 60 bishops in three --</p> <p>21 Q. Okay.</p> <p>22 A. -- main jurisdictions. So I don't know them --</p> <p>23 Q. What are the --</p> <p>24 A. I don't know them all.</p>

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<p>1       <b>Q.</b> Other than Metropolitan Ephraim, who are the      2 bishops of HOCNA?</p> <p>3       <b>A.</b> Metropolitan Makarios, Metropolitan Moses, Bishop      4 Sergios, and Bishop Demetrios.</p> <p>5       <b>Q.</b> And do you know of a single bishop by name in      6 Greece with whom HOCNA is in communion?</p> <p>7       <b>A.</b> Bishop Auxentius reposed, Athanasios -- Theonas      8 reposed. Athanasios was independent. He would not take      9 part even when the archbishop was living in the synod      10 obedience, although he was called, he was part of the      11 synod, but he refrained, and now he went under Kiouisis      12 synod also like Akakios.</p> <p>13      <b>Q.</b> Do you know of any bishop in Greece with whom      14 HOCNA's in communion? Do you know by name --</p> <p>15      <b>A.</b> In communion, we don't concelebrate, because --      16 but we recognize the mysteries. Bishops have visited us of      17 them. Two bishops of late this year came and visited.</p> <p>18      <b>Q.</b> Who?</p> <p>19      <b>A.</b> Bishop Chrysostom, the younger one, and Bishop      20 Photius.</p> <p>21      <b>Q.</b> Okay.</p> <p>22      <b>A.</b> And also a metropolitan that they have in New      23 York, Peter.</p> <p>24      <b>Q.</b> Okay.</p>	<p>1       concelebrations with new calendarists with Ecumenists in      2 Australia, in Chicago, and other parts of the country, and      3 of course that scandalized our people, and they said, "What      4 are we doing, then, in the Russian church, if they are not      5 defending the faith?" Why not have remained with the new      6 calendar, since during communion with them, and they're      7 going to be in full -- and in the end they went in final      8 and full communion with the others.</p> <p>9       <b>Q.</b> After the monastery was part of the Russian      10 Orthodox Church Outside of Russia, did Father Konon ever      11 come to stay at the monastery?</p> <p>12      MS. BROSIOUS: Objection.</p> <p>13      <b>A.</b> I faintly recall he came for a visit once as a      14 clergyman of the Russian Church Abroad. But I'm not      15 positive because it's so many years ago, I can't remember.</p> <p>16      <b>Q.</b> Have you ever been convicted of a felony?</p> <p>17      <b>A.</b> Convicted, no.</p> <p>18      <b>Q.</b> Have you ever been arrested in or outside the      19 United States?</p> <p>20      MS. BROSIOUS: Objection.</p> <p>21      <b>A.</b> In and out, yes.</p> <p>22      <b>Q.</b> Where have you been arrested and when?</p> <p>23      <b>A.</b> I was --</p> <p>24      MS. BROSIOUS: Objection.</p>
<p style="text-align: center;">Page 218</p> <p>1       <b>A.</b> No. Peter. The nephew of Peter. Paul.      2 Stratigeas. And he came with his bishop, suffragan bishop,      3 right before intermission now in August, and they visited.</p> <p>4       <b>Q.</b> When you left the patriarchate of Constantinople      5 for the Russian Orthodox Church Outside of Russia, the      6 patriarchate of Constantinople was adopting new calendar      7 ways, correct?</p> <p>8       <b>A.</b> Oh, it was a new calendar from 1924.</p> <p>9       <b>Q.</b> Okay. And --</p> <p>10      <b>A.</b> They tolerated us, though, as old style. We never      11 went new style.</p> <p>12      <b>Q.</b> The Russian Orthodox Church Outside of Russia was      13 old calendar?</p> <p>14      <b>A.</b> Yeah. Even the patriarchate, the Soviet church,      15 is still -- they're old calendar too. No one changed in      16 Russia.</p> <p>17      <b>Q.</b> And the Russian Orthodox Church Outside of Russia      18 is still old calendar?</p> <p>19      <b>A.</b> Oh, yes, all -- all of the groups.</p> <p>20      <b>Q.</b> Okay. So why did the monastery leave the Russian      21 Orthodox Church Outside of Russia?</p> <p>22      <b>A.</b> Because it did not continue in the tradition of      23 Metropolitan Philaret, who had reposed, and -- and      24 immediately once he reposed, they found the leeway to start</p>	<p style="text-align: center;">Page 220</p> <p>1       <b>A.</b> -- arrested in Greece in 1968, I think, under the      2 junta, the dictatorship. They took my passport. I was      3 going to leave after two months in Greece, and they claimed      4 that I was dealing in antiquities, that I set fire to the      5 Monastery of St. Panteleimon, where I was tonsured, on the      6 Holy Mountain. A whole slew of accusations. And brought      7 me to trial.</p> <p>8       <b>Q.</b> What was the outcome of that trial in Greece?</p> <p>9       MS. BROSIOUS: Objection.</p> <p>10      <b>A.</b> The outcome was that after two months of      11 harassment, they were not able to put the case together, so      12 many people came in defense, et cetera, and there was a law      13 under the junta that wherever a person stayed overnight in      14 Greece visiting with a foreign passport, he had to register      15 with the local police. So they knew the movement of every      16 foreigner or non-native Greek. They were fear -- the junta      17 feared that they would organize an opposition.</p> <p>18      So I had left the Holy Mountain, because I always      19 visited the Holy Mountain, and I slept in the house of a      20 pious person, Thessalonica. I was very sick from my      21 stomach. And he said to me, "Father, give me your passport      22 so I go to the police and register that you're staying in      23 my apartment tonight. Tomorrow you leave for Athens."</p> <p>24      I said, "It's still fine for one night. To go all</p>

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<p>1       the way to the police now at night."</p> <p>2       He says, "Father, for your sake and for my sake,      3 because we're not to give hospitality without registering      4 the -- the guests."</p> <p>5       All right. All right. I gave my passport. He      6 registered it.</p> <p>7       When they finally arrested me, they said, "You set      8 fire to" -- "I did? I wasn't even there." They went and      9 looked; they saw that I wasn't there. I had left the day      10 before.</p> <p>11      And I said, "Why would I burn the monastery where      12 I was tonsured?"</p> <p>13      They said, "Because you stole things and you      14 wanted to cover -- cover up your theft." But since I      15 wasn't there, "You left someone behind to set the fire."      16 They went on and on and on.</p> <p>17      So finally I posted \$3,000 bail -- no, not bail.      18 What do they call it? Surely? What do they call that?      19 Legally, I don't know the legal terms.</p> <p>20      Q. That's fine. My question was much more simple.      21      A. So I came to the States.</p> <p>22      Q. My question was much more simple: Have you ever      23 been arrested in or outside the United States, and you said      24 yes.</p>	<p>1       <b>Q.</b> And the time --</p> <p>2       <b>A.</b> The charges were -- were -- were dropped.</p> <p>3       <b>Q.</b> The time --</p> <p>4       <b>A.</b> I wasn't convicted. You said, "Were you ever      5 convicted." I was never convicted.</p> <p>6       <b>Q.</b> The time you were talking about in Greece, that's      7 the only time you were arrested in Greece?</p> <p>8       <b>A.</b> Yes.</p> <p>9            MS. BROSIUS: Objection.</p> <p>10      <b>Q.</b> Were you ever accused of smuggling items off the      11 Holy Mountain?</p> <p>12      <b>A.</b> Oh, yes.</p> <p>13            MS. BROSIUS: Objection.</p> <p>14      <b>A.</b> That's what -- that was part of the --</p> <p>15      <b>Q.</b> Okay.</p> <p>16      <b>A.</b> There was 12 items of accusations. You can      17 imagine. They said I stole the right hand of St. John the      18 Russian and sold it to the Serbian church for a price in      19 the United States. When finally they made an appeal -- and      20 I didn't make the appeal, because I stayed out of Greece      21 once I left Greece. Bond. That's what, I gave a \$3,000      22 bond.</p> <p>23      <b>Q.</b> That's more than I need to know.</p> <p>24      <b>A.</b> All right.</p>
<p style="text-align: center;">Page 222</p> <p>1       <b>A.</b> Yes.</p> <p>2       <b>Q.</b> So you were arrested in Greece?</p> <p>3       <b>A.</b> Yes. And then --</p> <p>4       <b>Q.</b> And -- and I don't need to know why.</p> <p>5       <b>A.</b> All right. And --</p> <p>6       <b>Q.</b> I just need to know that you were.</p> <p>7       <b>A.</b> I was --</p> <p>8       <b>Q.</b> Were you ever arrested in the United States?</p> <p>9       <b>A.</b> And I was -- I was --</p> <p>10         MS. BROSIUS: Objection.</p> <p>11       <b>A.</b> -- arrested once in Detroit.</p> <p>12       <b>Q.</b> You were arrested once in Detroit.</p> <p>13       <b>A.</b> Yes.</p> <p>14       <b>Q.</b> How old were you?</p> <p>15         MS. BROSIUS: Objection.</p> <p>16       <b>A.</b> I was a teenager.</p> <p>17       <b>Q.</b> A teenager. What was the charge?</p> <p>18         MS. BROSIUS: Objection.</p> <p>19       <b>A.</b> That I stole things.</p> <p>20       <b>Q.</b> Okay. And was that the only time you were      21 arrested in the United States?</p> <p>22       <b>A.</b> Only time.</p> <p>23         MS. BROSIUS: Objection.</p> <p>24       <b>A.</b> Only time.</p>	<p style="text-align: center;">Page 224</p> <p>1       <b>Q.</b> And we'll be here all day.</p> <p>2       <b>A.</b> All right.</p> <p>3       <b>Q.</b> 'Til late at night.</p> <p>4       <b>A.</b> But it was proven that the hand was still there      5 and that it was lies; it was slander.</p> <p>6       <b>Q.</b> Did you attend Holy Cross Seminary?</p> <p>7       <b>A.</b> For one season, one semester.</p> <p>8       <b>Q.</b> Was that before you founded Holy Transfiguration      9 Monastery?</p> <p>10       <b>A.</b> Oh, of course. I was already two years      11 university, and then went there thinking I might go and      12 finish my other two years in college there and then take      13 the three years of theology. But I didn't find the      14 atmosphere conducive for spiritual. So I left and went      15 back and finished another two years university at Wayne      16 State.</p> <p>17       <b>Q.</b> Did you have a spiritual father in the Russian      18 Church Outside of Russia?</p> <p>19       <b>A.</b> Yes.</p> <p>20       <b>Q.</b> Who was that?</p> <p>21       <b>A.</b> Archbishop Andrew. Out of Spring Valley, New      22 York.</p> <p>23       <b>Q.</b> Are you aware that the city of Boston used to have      24 and still in some places has cobblestones?</p>

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<p>1           MS. BROSIUS: Objection.</p> <p>2           A. Cobblestones, yes.</p> <p>3           Q. Okay. Did you instruct your monks when you were 4 abbot of Holy Transfiguration Monastery to take up 5 cobblestones so that --</p> <p>6           A. No.</p> <p>7           Q. -- they could be used to build a wall around the 8 monastery?</p> <p>9           A. No.</p> <p>10          MS. BROSIUS: Objection.</p> <p>11          A. No. We -- we bought.</p> <p>12          Q. You bought the cobblestones that formed that wall?</p> <p>13          A. After the big fire in Chelsea, and they uncovered 14 after taking the asphalt from the streets, and we were 15 paying per cobblestone, very cheap. And then we bought 16 truckloads just, you know, cheaper than even the 17 cobblestone.</p> <p>18          Q. Who were the monks that you instructed to go get 19 the cobblestones?</p> <p>20          MS. BROSIUS: Objection.</p> <p>21          A. Many of the other fathers. We had a pickup truck, 22 and they would go, and we'd pay each time, and we'd get 23 them.</p> <p>24          Q. Was Father Mamas one of them?</p>	<p>1           MS. BROSIUS: Objection.</p> <p>2           A. Oh, I don't think so.</p> <p>3           Q. Does the monastery have a septic system?</p> <p>4           A. Yes.</p> <p>5           Q. Has it released raw sewage into Jamaica Pond?</p> <p>6           MS. BROSIUS: Objection.</p> <p>7           A. No.</p> <p>8           Q. Never?</p> <p>9           A. Well, we had to connect with the public sewage. 10 So we've done that, both places. Main house and the coach house. At a big expense.</p> <p>12          Q. Was -- did the authorities find that your septic 13 system was discharging sewage into Jamaica Pond?</p> <p>14          A. All the homes.</p> <p>15          MS. BROSIUS: Objection.</p> <p>16          A. All the homes built in the 1800s had their own 17 septic systems. There was no public sewage system.</p> <p>18          Q. Yeah. But that wasn't my question. Did the 19 authorities tell you that your monastery's --</p> <p>20          A. Yes.</p> <p>21          Q. -- septic system was discharging sewage into 22 Jamaica Pond?</p> <p>23          A. Yes.</p> <p>24          MS. BROSIUS: Objection.</p>
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<p>1           A. Oh, yes.</p> <p>2           Q. And did you have him go in his Volkswagen bus and 3 fill it up in the middle of the night?</p> <p>4           MS. BROSIUS: Objection.</p> <p>5           A. Volks what? Volkswagen what?</p> <p>6           Q. A bus?</p> <p>7           MS. BROSIUS: Objection.</p> <p>8           Q. A Volkswagen?</p> <p>9           A. No, no, no.</p> <p>10          Q. His car? Did you ever have him take --</p> <p>11          A. He -- he -- he didn't --</p> <p>12          Q. -- his car?</p> <p>13          A. -- have a car. We had --</p> <p>14          MS. BROSIUS: Objection.</p> <p>15          A. -- vehicles at the monastery.</p> <p>16          Q. Did the monastery have a car?</p> <p>17          A. Yes, we have vehicles. We still have. We have to 18 have vehicles.</p> <p>19          Q. Did you ever instruct any of your monks to go out 20 in the middle of the night to get cobblestones?</p> <p>21          A. Not to my memory.</p> <p>22          MS. BROSIUS: Objection.</p> <p>23          A. Not to my memory.</p> <p>24          Q. Okay. But it's possible?</p>	<p>1           A. And other -- and other neighbors.</p> <p>2           Q. And they required that you corrected it?</p> <p>3           MS. BROSIUS: Objection.</p> <p>4           A. Absolutely.</p> <p>5           Q. And you knew that it was discharging the sewage 6 into Jamaica Pond before the authorities --</p> <p>7           A. No. I don't say that --</p> <p>8           Q. -- pointed it out to you?</p> <p>9           A. I don't say --</p> <p>10          MS. BROSIUS: Objection.</p> <p>11          A. I don't say we knew it. How could we know it?</p> <p>12          Q. Okay. You'll have to let me finish my question --</p> <p>13          A. Yeah.</p> <p>14          Q. -- before you respond --</p> <p>15          A. All right.</p> <p>16          Q. -- or we won't be able to get the deposition 17 completed. Is that fair?</p> <p>18          A. Yes, yes, yes.</p> <p>19          Q. Okay. So my question was: Before the authorities 20 pointed out to you that the monastery's septic system was discharging sewage into Jamaica Pond, you actually were 22 aware of that before it was pointed out to you by the authorities, correct?</p> <p>24          MS. BROSIUS: Objection.</p>

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<p>1       <b>A.</b> We were aware of smells on the property. Because      2 there was a small brook. And that doesn't empty into      3 Jamaica Pond. It goes across a road, under the road, into      4 a pond in Sargent estate, and from the Sargent estate it      5 goes on and possibly or probably ends up in the Jamaica      6 Pond, but we're a distance from the Jamaica Pond.      7       <b>Q.</b> Do you deny that you told one of your parish      8 priests that you knew about that problem with the septic      9 system but that you had decided not to fix it because of      10 the cost?      11       MS. BROSIUS: Objection.      12       <b>A.</b> It's many, many years, decades. So I can't      13 remember such a situation, who the parish priest is, and if      14 he claims so.      15       <b>Q.</b> After your arrest in Greece, were you barred from      16 re-entering Mount Athos?      17       MS. BROSIUS: Objection.      18       <b>A.</b> Oh, yes.      19       <b>Q.</b> Have you ever returned to Mount Athos since --      20       <b>A.</b> No.      21       <b>Q.</b> -- that time?      22       <b>A.</b> Not once.      23       <b>Q.</b> Because of the arrest?      24       MS. BROSIUS: Objection.</p>	<p>1       <b>Q.</b> Was that before or after you left ROCOR?      2       <b>A.</b> That was right at the time.      3       <b>Q.</b> Okay. Did you ever visit the Lesna Convent when      4 you were a part of the Russia Church Abroad?      5       <b>A.</b> Twice, I think, maybe thrice. But I did.      6       <b>Q.</b> Did the abbess of the convent complain to      7 Metropolitan Philaret that she had caught you trying to      8 steal relics from the church?      9       MS. BROSIUS: Objection.      10       <b>A.</b> I've never come upon that. I've never heard that      11 from the metropolitan.      12       <b>Q.</b> Have you heard it from the abbess --      13       <b>A.</b> No.      14       <b>Q.</b> -- of the --      15       <b>A.</b> No.      16       <b>Q.</b> -- Lesna Convent?      17       <b>A.</b> No, no.      18       MS. BROSIUS: Objection.      19       <b>A.</b> I heard from the deacon, the protodeacon of the      20 metropolitan, Neketas -- they're all reposed now -- that      21 there was such a story circulated. And I said, "Really?"      22 Because we had been benefactors of the convent. And also      23 we gave relics, especially a large relic, complete, of St.      24 Lucia, the Sicilian martyr.</p>
<p style="text-align: right;">Page 230</p> <p>1       <b>A.</b> No. They said that since I'm a foreign citizen,      2 don't have a Greek passport, the canonical or the legal,      3 which is true, according to legal, to the law, I have to      4 get permission first from the ministry of exterior affairs,      5 and then, since I'm a clergyman, an orthodox clergyman,      6 from the ecumenical patriarch. And only then, with those      7 two permissions, can I apply to get permission to visit      8 again the Holy Mountain.      9       We visited once, and they told us, "You cannot do      10 this, and you'll be arrested and put in jail if you do it      11 again."      12       We said, "But we -- we -- we started from here."      13       "You may be for the Holy Mountain; the Holy      14 Mountain is for -- for us you are not. You're foreigners."      15 So --      16       <b>Q.</b> For Holy Transfiguration Monastery, does it still      17 claim to be under the ecclesiastical direction of the      18 Athenite jurisdiction?      19       <b>A.</b> No, no, no.      20       <b>Q.</b> When did that get removed from the bylaws?      21       <b>A.</b> When the abbot was removed of St. Paul's.      22       MS. BROSIUS: Objection. Sorry.      23       <b>A.</b> Yeah. When the abbot was removed, St. -- Father      24 Andrew. Because he would not commemorate, he was exiled.</p>	<p style="text-align: right;">Page 232</p> <p>1       <b>Q.</b> Are you aware of Holy Transfiguration Monastery      2 ever suing anyone -- I'm not talking about threatening to      3 sue --      4       <b>A.</b> Yeah.      5       <b>Q.</b> -- but ever suing anyone for copyright      6 infringement other than Archbishop Gregory? And I'm just      7 asking about your personal knowledge.      8       <b>A.</b> No. I'm conscious that the copyright lawyer wrote      9 letters and that the people responded and corrected the      10 situation. Now, you see, I can't --      11       <b>Q.</b> Let's just answer direct questions here --      12       <b>A.</b> Yeah.      13       <b>Q.</b> -- okay, so that we have a clean record.      14       <b>A.</b> Yeah.      15       <b>Q.</b> From your personal knowledge --      16       <b>A.</b> Yeah.      17       <b>Q.</b> -- has Holy Transfiguration Monastery ever sued      18 anyone for copyright infringement, not threatened, but      19 actually --      20       <b>A.</b> I can't --      21       <b>Q.</b> -- sued, other than Archbishop Gregory?      22       <b>A.</b> I can't remember such a thing. You'll have to      23 ask --      24       <b>Q.</b> Okay.</p>

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<p>1 propounded to HTM that you believe was      2 responsive, that's one thing. But my      3 question to you is: The document requests      4 were documents and things concerning the      5 monastery, request number 1. So that would      6 be documents in his custody or control or      7 certainly documents he would want to rely      8 on --</p> <p>9 MR. INGOLD: They're not documents --      10 MS. BROSIUS: -- in the course of      11 defending -- is he relying on this      12 document -- these documents to defend the      13 allegations against him?</p> <p>14 MR. INGOLD: I'm not going to debate      15 the deposition questions --      16 MS. BROSIUS: Okay.      17 MR. INGOLD: -- with you.      18 MS. BROSIUS: That's fine.      19 MR. INGOLD: The documents that are      20 being submitted are being submitted for the      21 purpose of a discovery deposition. They're      22 part of my work product in the case.      23 MS. BROSIUS: Okay. So I'm just      24 going to again lodge my standing objection</p>	<p>1 just looked at things that are in the files of the      2 monastery?      3 A. Oh, we have big files. I -- I don't know anything      4 about the files. I don't know anything about the Internet.      5 I know that answers have been made and they put it on the      6 Internet. But I can't tell you even how to find it, but if      7 you ask the people tomorrow, they can tell you.</p> <p>8 Q. Who was Father Justin back in 1986?      9 A. He was a priest monk of our monastery.      10 Q. Okay.      11 A. Elected to be a bishop. He was a clergyman.      12 Q. Did he enjoy the same level of superiority and      13 authority as Father Isaac, Father Ephraim, and yourself?      14 A. No.      15 MS. BROSIUS: Objection.      16 A. No.      17 Q. No. Why not?      18 A. Because he was one of the priest monks. We had      19 other priests; Father Haralampos was more senior to him,      20 many years more senior, and others. But he was one of the      21 priest monks, but he was not a part of the administrative      22 situation of the -- of the -- of the brotherhood.      23 Q. Let's take a look at Deposition Exhibit 98.      (Exhibit 98, letter of Bishop</p>
<p style="text-align: center;">Page 242</p> <p>1 to these, because to the extent your      2 client, not you, is going to rely on them      3 in defense of this lawsuit and in      4 connection with what I can only assume are      5 his affirmative defenses, they were not      6 produced to us when we asked for all      7 documents and things concerning the      8 monastery to be produced to us.</p> <p>9 MR. INGOLD: Now, our request for      10 production number 9 is "Produce any      11 documents relating to ROCOR's investigation      12 and/or discipline of Holy Transfiguration      13 or any monks thereof." My question to you,      14 Ms. Brosius, is: Why did you not produce      15 these on behalf of your client?</p> <p>16 MS. BROSIUS: I cannot say that we      17 did or did not. In fact, we believe all      18 relevant responsive documents were produced      19 to you.</p> <p>20 MR. INGOLD: Well, let's ask the      21 deponent a question. You have a standing      22 objection.</p> <p>23 BY MR. INGOLD:      24 Q. Founder Panteleimon, are these letters that we've</p>	<p style="text-align: center;">Page 244</p> <p>1 Hilarion to Hieromonk Justin, marked.)      2 MS. BROSIUS: Again, I'm going to      3 note for the record, this was not a      4 document produced to us by Archbishop      5 Gregory in connection with our request for      6 documents.      7 Is it 98?      8 THE STENOGRAPHER: Yes.      9 MS. BROSIUS: Thank you.</p> <p>10 BY MR. INGOLD:      11 Q. Have you seen this letter before?      12 A. Yes, yes.      13 Q. The letters that appear as Exhibit 97, 96, and 95,      14 they were written before the letter that appears as Exhibit      15 98, correct?      16 MS. BROSIUS: Objection.      17 A. Yes, according to the date.      18 Q. Okay. Father Ephraim wrote back to the      19 metropolitan after the letters that appear in 95, 96, 97 --      20 MS. BROSIUS: You mean '86, Chris.      21 Q. -- in those exhibits --      22 MS. BROSIUS: You keep saying '96.      23 It's '86, just for the record.      24 THE WITNESS: '87.</p>

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<p>1           MR. INGOLD: No, no. I'm talking      2           about Exhibit 96.</p> <p>3       <b>Q.</b> Can you look at Exhibits 95, 96, and 97? Do you      4       see that the date on those letters is all the same?</p> <p>5       <b>A.</b> Oh, that's -- now --</p> <p>6       <b>MS. BROSIOUS:</b> Objection.</p> <p>7       <b>Q.</b> November 20th --</p> <p>8       <b>A.</b> Yeah.</p> <p>9       <b>Q.</b> -- of the civil calendar?</p> <p>10      <b>A.</b> There is a contention there.</p> <p>11      <b>Q.</b> Okay. Well, let's just take it step by step,      12     because your attorneys can follow up and ask more      13     questions.</p> <p>14      <b>A.</b> Yeah. Right.</p> <p>15      <b>Q.</b> They can clarify this stuff. But let's -- let's      16     just try to get through this.</p> <p>17      <b>A.</b> Right.</p> <p>18      <b>Q.</b> The November 20th letter went to you, went to      19     Father Isaac, and went to Father Ephraim, correct?</p> <p>20      <b>MS. BROSIOUS:</b> Objection.</p> <p>21      <b>Q.</b> Is that right?</p> <p>22      <b>A.</b> Yes.</p> <p>23      <b>Q.</b> Okay. And then the allegation at least is that      24     Father Ephraim wrote back the metropolitan after that</p>	<p>1       of Massachusetts. Any member of our community can go to      2       the authorities and say this incorporation is not following      3       its bylaws. Vladyka, you heard?"</p> <p>4        "I heard."</p> <p>5        "So what are we going to do?"</p> <p>6        Because they wanted to appoint, one -- refuse on      7       his own, the man, Father Justin to be administrator until      8       they decided who would be the new abbot.</p> <p>9        And so he said, because he didn't want any lawsuit      10      on his hands, he said, "According to your bylaws, proceed      11      and elect the new abbot." We have witnesses to this.</p> <p>12       So we had to proceed within the frame time that      13      our bylaws stated, and Father Isaac was elected. There      14      were two candidates, Father Ephraim and Father Isaac. And      15      I thought that they would elect Father Ephraim, who was --      16      had seniority. They elected Father Isaac.</p> <p>17       Father Ephraim was very relieved. He didn't want      18      to be abbot. He didn't want to be -- he didn't want to be      19      anything. In obedience he is what he is.</p> <p>20       And so Father Isaac became the abbot. And Father      21      Justin did not leave the monastery over this leaving the      22      role. Years after, when he was elected to be a bishop, he      23      got nervous about being a bishop, and he left and went to      24      Sinai. He's still at Sinai.</p>
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<p>1       letter and said, "Hey, we're severing our connection with      2       you"?</p> <p>3       <b>A.</b> No, no.</p> <p>4       <b>MS. BROSIOUS:</b> Objection.</p> <p>5       <b>A.</b> No. There's a letter by our grammateus, that is,      6       our secretary, Father Ephraim, which demonstrates that they      7       went and tampered with the dating to make it appear that      8       they wrote before they were informed that the -- all these      9       clergy and the monastery and the common were leaving ROCOR.      10      And he demonstrated with -- with proofs that they are --      11      they are lying, they are tampering with and trying to make      12      it appear that they got to us before.</p> <p>13       We communicated with Metropolitan Vitaly twice      14      before this all -- these 11 months, right, visiting once in      15      Montreal and once with witnesses to New York. And, also,      16      as soon as I was relieved of being abbot, I phoned      17      metropolitan. He was in the West Coast. I don't know      18      where he was; he was not in Montreal nor New York. And I      19      said, "Vladyka, according to our bylaws, within 48 hours of      20      the death of an abbot or his resignation, there has to be      21      an election by the brotherhood of a new abbot."</p> <p>22       So he heard me out.</p> <p>23       And I said, "If we don't follow through, then we      24      will be liable to the laws of incorporation from the state</p>	<p>1       <b>Q.</b> So from the point of view --</p> <p>2       <b>A.</b> So this is tamper --</p> <p>3       <b>Q.</b> -- of the Russian --</p> <p>4       <b>A.</b> The date is tampered for those three letters. The      5       date is November 20th/December 9, whatever it is, new      6       style.</p> <p>7       <b>Q.</b> So you're accusing the Russian Orthodox Church      8       Outside of Russia of fraud?</p> <p>9       <b>A.</b> Yes.</p> <p>10      <b>MS. BROSIOUS:</b> Objection.</p> <p>11      <b>A.</b> Absolutely.</p> <p>12      <b>Q.</b> Okay.</p> <p>13      <b>A.</b> We have it in writing when we wrote it and      14      demonstrated to Father Hilarion, who -- Bishop Hilarion,      15      who's now metropolitan.</p> <p>16      <b>Q.</b> Now, do you know that --</p> <p>17      <b>A.</b> And they never --</p> <p>18      <b>Q.</b> -- the monastery --</p> <p>19      <b>A.</b> They never answered that.</p> <p>20      <b>Q.</b> Do you know that the monastery has produced in      21      this litigation a letter from Father Ephraim that is dated      22      and says, "Hey, we're leaving you, and all the brothers of      23      the monastery have agreed to do this." Are you aware that      24      that's been produced in this litigation?</p>

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<p>1     "How long will my brother be discriminated against and not      2     be allowed to visit the monastery where he was tonsured?      3     What do you have against my brother? Why don't you show      4     mercy? Why don't -- so I sat down and wrote a long, long      5     letter. That is even in the website of our monastery. We      6     were forced to make things like that public. And --</p> <p>7     <b>Q.</b> And the members of your --      8     <b>A.</b> That -- you can read it there.      9     <b>Q.</b> -- monastery referred to it as "the bomb"?      10    <b>A.</b> As the what?      11    <b>Q.</b> As "the bomb."      12    MS. BROSIUS: Objection.      13    <b>Q.</b> Against Archbishop Gregory.      14    <b>A.</b> Bomb?      15    <b>Q.</b> As a bomb.      16    <b>A.</b> No.      17    MS. BROSIUS: Objection.      18    <b>A.</b> He referred to that.      19    <b>Q.</b> Okay.      20    <b>A.</b> He said "I can't show my face" after he read that.      21    "Look at what all these things are said."      22       Well, sir, if we have slandered anyone, and if      23       some people -- they should have taken us to court. No one      24       has taken us to court. And we don't take people to court</p>	<p>1     <b>A.</b> That's Father Pachomius, right?      2     <b>Q.</b> Is that his signature?      3     <b>A.</b> I think -- I don't know about -- about      4     handwriting. I can never -- when people write to me notes,      5     I can never recognize. Father Isaac is very good, "This is      6     so-and-so." So I guess it is, but I don't know for sure.</p> <p>7     <b>Q.</b> Can you look at the page before, paragraph 14 and      8     15. "At my direction in approximately February 2008, and      9     after the complaint was served on defendant, I accessed the      10    same portions of the defendant's website where these PDF's      11    were formerly available; see exhibit -- see attached      12    Exhibit C. Where the textual works were once available,      13    defendant has now posted a notification which states:      14    'January 9th, 2008. We apologize, but due to possible      15    copyright infringement, this page is not available at this      16    time.'" Do you see that?</p> <p>17    <b>A.</b> Yes.      18    <b>Q.</b> Is -- does that look like the actions of somebody      19    who was trying to not cooperate with you?      20    MS. BROSIUS: Objection.      21    <b>A.</b> Seeing that he consciously took two works of ours      22    and was trying to print them himself and that was judged      23    already, and we paid a big sum of money. We apologized --      24    <b>Q.</b> A big sum of money? Money -- I'm sorry -- I --</p>
<p style="text-align: center;">Page 270</p> <p>1     unless they continue and they are stubborn to say they have      2     the right to be using and it's free for all because it      3     belongs to the church; it doesn't belong to you; it belongs      4     to the synod. What kind of nonsense is this, the synod?      5     What has the synod to do with the translations of a      6     monastery? Even their bishops recognize that they're ours,      7     and Bishop Laurus withdrew whatever they took from ours and      8     put in their prayer book, and they had their own      9     translations. Fine. They could use it if they want to put      10    an acknowledgment. He didn't want to put the      11    acknowledgment, so he just removed it. That's an      12    acknowledgment from the bishops themselves that they don't      13    have copyright of -- of our things.</p> <p>14    <b>Q.</b> Let's --      15    <b>A.</b> So these arguments are -- are out of order.      16    <b>Q.</b> Let's take a look at Deposition Exhibit 101.      17       (Exhibit 101, affidavit of Father      18       Pachomius, marked.)      19    <b>Q.</b> I know that you have testified that you've not      20    seen this affidavit before, but --      21    <b>A.</b> No.      22    <b>Q.</b> -- if you'd turn to the last page, page 6, do you      23    recognize that signature that is executed under penalty of      24    perjury?</p>	<p style="text-align: center;">Page 272</p> <p>1     <b>A.</b> We -- we spent a big sum of money with -- with      2     lawyers to defend our copyright of Saint of Isaac and The      3     Life of St. Andrew -- St. Andrew the Fool.      4     <b>Q.</b> But we've already seen in today's deposition the      5     copyright registration of Dana Miller regarding that work,      6     correct?      7     MS. BROSIUS: Objection.      8     <b>A.</b> We were awarded the copyright. We have the      9     copyright. We argued that in court. We won that. So if      10    he had --      11    <b>Q.</b> Have you disclosed those documents in this case as      12    relevant to this proceeding?      13    MS. BROSIUS: Objection.      14    <b>A.</b> That is not my realm. I'm not the -- the lawyers.      15    I'm not the person involved in the situation. But this --      16    <b>Q.</b> Was there an order --      17    <b>A.</b> There was not an apology -- if there was an      18    apology to us and say, well, "Dear fathers, it was a slight      19    thing that I -- yes, I will post it that these are yours,"      20    then we have no case. It would be malice on our part to      21    pursue anything.      22    <b>Q.</b> Isn't it malice on your part --      23    <b>A.</b> No, it is not.      24    <b>Q.</b> -- to pursue?</p>

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<p>1     <b>A.</b> It is not.      2                 MS. BROSIUS: Objection.      3     <b>A.</b> It is not.      4     <b>Q.</b> How so?      5     <b>A.</b> Because if we don't, then they're going to be put      6     back on.      7     <b>Q.</b> Says who?      8     <b>A.</b> If we drop it and we -- we turn the other way,      9     turn the other cheek, then there's going to be -- and then      10    anyone can use it, and that's a free-for-all. Forget about      11    it.      12    <b>Q.</b> So you're testifying you should not turn the other      13    cheek?      14    MS. BROSIUS: Objection.      15    <b>A.</b> I'm testifying that the unruly should be punished,      16    according to St. Paul. That's why if you want quotes from      17    the Scripture, you can find a lot of quotes, sir.      18    <b>Q.</b> Tell me where --      19    <b>A.</b> And that's --      20    <b>Q.</b> -- that comes from.      21    <b>A.</b> -- out of order. That's way out of -- that's      22    robbery. That's stealing.      23    <b>Q.</b> In what letter does it say the unruly should be      24    punished?</p>	<p>1     <b>Q.</b> How so?      2     <b>A.</b> This, sir, is not the place to bring these things      3     up. You want -- we have a proper channel to -- to discuss      4     these things.      5     <b>Q.</b> Oh, no --      6     <b>A.</b> So I'm not here for a trial. I'm here to make a      7     deposition. I'm honestly answering your questions, and      8     that's it.      9     <b>Q.</b> Father Panteleimon, this actually is the place to      10    bring this up, because one of my concerns in this case is      11    the motivation for the only lawsuits ever brought by Holy      12    Transfiguration --      13    <b>A.</b> Because this is the only person that has --      14    <b>Q.</b> Can I finish my question?      15    <b>A.</b> All right. Finish your question.      16    <b>Q.</b> Okay. You cut my questions off repeatedly; are      17    you aware of that?      18    <b>A.</b> Well, you cut me off also.      19    <b>Q.</b> Okay. I would like to let you finish direct      20    answers, and I would like to ask direct questions. Is that      21    fair?      22    <b>A.</b> Good, good.      23    <b>Q.</b> Okay. My concern is the only copyright      24    infringement lawsuit ever brought by Holy Transfiguration</p>
<p style="text-align: right;">Page 274</p> <p>1                 MS. BROSIUS: Objection.      2     <b>A.</b> It's in the Scriptures.      3     <b>Q.</b> Which letter of St. Paul?      4     <b>A.</b> I don't remember. But it is -- go find a      5     concordance, you'll find it. A concordance of the New      6     Testament.      7     <b>Q.</b> Are you referring to the statement that why      8     governments are instituted among men by God?      9                 MS. BROSIUS: Objection.      10    <b>A.</b> I don't remember, sir. I just remember that it's      11    been used again and again that the unruly should be      12    punished. And, as I say, if the apology was made to the      13    monastery, it would have been very un-Christian on us not      14    to accept it and to say, "Fine. Then you can use it by      15    posting that's it's ours."      16    No, he does not want to use -- say it's from us.      17    He -- he is the one, if anyone has the malice. So then      18    what -- what --      19    <b>Q.</b> What malice does he have toward you?      20    <b>A.</b> Not to acknowledge that it's our work.      21    <b>Q.</b> Why do you believe the archbishop has malice      22    toward you?      23    <b>A.</b> Because again and again it's been demonstrated in      24    many different ways. And I don't --</p>	<p style="text-align: right;">Page 276</p> <p>1     Monastery is against a clergyman who has been outspoken on      2     religious issues in conflict with your order. Is that      3     correct?      4                 MS. BROSIUS: Objection.      5     <b>A.</b> Sir, no. No.      6     <b>Q.</b> Who else have you sued?      7                 MS. BROSIUS: Objection.      8     <b>A.</b> Sir, if the convent of Kasimani persisted in      9     selling our pocket -- pocket edition of the Psalter, we      10    would have pursued it in the course. But they understood      11    the seriousness. They withdraw the situation. They put a      12    label inside their -- the remaining copies, and they      13    promised not to reprint it. We -- we started printing it.      14    Now it's the second or third edition, I don't know, because      15    it was one of the most popular things we ever printed, the      16    pocket-size one.      17    So if this other person down south who had put our      18    whole Psalter had not withdrawn it, then we would have      19    pursued it, yes.      20    So it's not a personal thing of malice. I'm      21    sorry, sir. It's a clear-cut situation of infringement and      22    copyright.      23    <b>Q.</b> Do you understand --      24    <b>A.</b> It's a legal situation.</p>

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<p>1       <b>Q.</b> -- the perception, though? Are -- are you      2 familiar --      3       <b>A.</b> No, I will not grant you that. It's not malice.      4 It's a clear-cut -- anyone in our position would take the      5 same course. If the other person says, "Oh, I did a      6 mistake; forgive me," we're Christians, of course. But      7 then you withdraw your situation. Or else --      8       <b>Q.</b> Okay. Let's --      9       <b>A.</b> Bishop Roberts acknowledged, and he withdrew? He      10 withdrew all the -- the dismissal hymns that were from us,      11 et cetera. He had it retranslated or used someone else's      12 translation, and in their prayer book, they had nothing      13 which is of our situation.      14       <b>Q.</b> Let's talk Christian.      15       <b>A.</b> Yes.      16       <b>Q.</b> It's a -- it's a fundamental principle: Avoid      17 even the appearance of evil, correct?      18       MS. BROSIUS: Objection.      19       <b>A.</b> Sir, I -- I will not continue this -- this      20 conversation. This conversation has nothing to do with the      21 copyright situation. It's something personal now.      22       <b>Q.</b> No, no. It --      23       <b>A.</b> You have become very personal. I'm sorry.      24       <b>Q.</b> It is. Let me -- let me tell you --</p>	<p>1       spent on the record; can you identify that      2 for us?      3 (Discussion off the record.)      4       <b>MS. BROSIUS:</b> Chris, do you want to      5 go off the record to get a better sense of      6 how much time you have left?      7       <b>MR. INGOLD:</b> That's fine. I -- I do      8 want to finish up this one --      9       <b>THE WITNESS:</b> All right. All right.      10       <b>MR. INGOLD:</b> -- question, because I      11 think it might tie up at least this line of      12 questions. Okay.      13       <b>MS. BROSIUS:</b> You've asked him -- if      14 it's the one about malice, I believe it's      15 been asked and answered now by him --      16       <b>THE WITNESS:</b> Yes.      17       <b>MS. BROSIUS:</b> -- a couple of times.      18       <b>THE WITNESS:</b> It's not malice.      19       <b>MR. INGOLD:</b> Well --      20       <b>MS. BROSIUS:</b> Is there a different      21 question you want to pose --      22       <b>MR. INGOLD:</b> -- that may be your      23 opinion.      24       <b>MS. BROSIUS:</b> -- on that.</p>
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<p>1       <b>A.</b> Sir --      2       <b>Q.</b> -- why --      3       <b>A.</b> -- you want to ask other questions, fine. You      4 don't want to ask other questions, I have the right to      5 refuse to answer.      6       <b>Q.</b> Actually, that's not true, Founder --      7       <b>A.</b> Well --      8       <b>Q.</b> -- Panteleimon.      9       <b>A.</b> I'm sorry.      10       MS. BROSIUS: Maybe we should take a      11 break and just cool down for a couple of      12 minutes.      13       How much longer do you think you need      14 to go, Chris? So we have some -- some      15 sense of when this is going to be over.      16       <b>MR. INGOLD:</b> I need to use my entire      17 seven hours.      18       MS. BROSIUS: Well, how much -- I'm      19 not asking you that. I'm just asking you      20 how much more time you need.      21       <b>MR. INGOLD:</b> I'm probably have an      22 hour and a half to two hours. I'm going to      23 have to find some way to cut it down.      24       MS. BROSIUS: How much time have we</p>	<p>1       <b>MR. INGOLD:</b> I believe that when we      2 look at the transcript of the record, that      3 this question is an important follow-up      4 question that hopefully will finish up this      5 line of questions.      6       <b>MS. BROSIUS:</b> If it's a follow-up,      7 that's fine. So why don't we have the last      8 question read back to us so we know exactly      9 what was asked, maybe the last two      10 questions would be helpful, and then we'll      11 know where we stand.      12       <b>THE WITNESS:</b> Ask them. He's going      13 to ask them?      14       <b>MS. BROSIUS:</b> We're going to hear      15 what the last --      16       <b>THE WITNESS:</b> Oh. Oh.      17       <b>MS. BROSIUS:</b> -- questions that you      18 were asked and that which you answered      19 were.      20       <b>MR. INGOLD:</b> I have no objection.      21 That sounds like a good resolution.      22       (Record read.)      23       <b>MR. INGOLD:</b> Okay.      24       <b>THE WITNESS:</b> I hear.</p>

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<p>1 BY MR. INGOLD:</p> <p>2     <b>Q.</b> Would you agree that to a casual, disinterested</p> <p>3 observer, the fact that the monastery has only ever</p> <p>4 actually followed through with a lawsuit for copyright</p> <p>5 infringement against one man, Archbishop Gregory, with whom</p> <p>6 the monastery has a history of disagreement over very</p> <p>7 important issues, at least provides the appearance that the</p> <p>8 motivation for this lawsuit is malice?</p> <p>9         MS. BROSUS: Objection. Asked and</p> <p>10      answered. Compound.</p> <p>11     <b>Q.</b> Go ahead.</p> <p>12     <b>A.</b> Absolutely not.</p> <p>13     <b>Q.</b> How so?</p> <p>14     <b>A.</b> How so?</p> <p>15         MS. BROSUS: Objection.</p> <p>16     <b>A.</b> If anyone persisted outside of Bishop Gregory to</p> <p>17 misuse our and misrepresent our situation, we would have</p> <p>18 pursued it. No one insisted. And since they did not, how</p> <p>19 to pursue it, just out of vengeance, just because of</p> <p>20 malice? No. It's not malice. It's not vengeance. It's a</p> <p>21 copyright situation. He does not want to understand he</p> <p>22 cannot be doing this.</p> <p>23     <b>Q.</b> So why don't you sue the Russian Orthodox Church</p> <p>24 Outside of Russia for their continued use of the Old</p>	<p>1         MR. INGOLD: I'm sorry you didn't</p> <p>2 hear the --</p> <p>3     <b>A.</b> You should ask --</p> <p>4         MR. INGOLD: -- inflection at the end</p> <p>5 of my voice.</p> <p>6     <b>A.</b> -- the persons that are responsible for our</p> <p>7 copyrights. I have -- I have -- know nothing about the</p> <p>8 Internet and what they put on the Internet. Maybe if it is</p> <p>9 on Internet, then we'll write them another letter and we'll</p> <p>10 bring it to their attention that they have something on the</p> <p>11 Internet which -- without acknowledgment of what is from</p> <p>12 us. If it is, they are absolutely going to receive a</p> <p>13 letter.</p> <p>14     <b>Q.</b> And --</p> <p>15     <b>A.</b> And that's not vengeance, and that's not trying to</p> <p>16 pick a fight with them. That's proper. That's in order.</p> <p>17     <b>Q.</b> In fact --</p> <p>18     <b>A.</b> So thank you for informing me of this. I'll tell</p> <p>19 the other fathers.</p> <p>20     <b>Q.</b> In fact, isn't it true that Holy Transfiguration</p> <p>21 Monastery has over the past two decades, maybe three,</p> <p>22 collected all the different English translations of the</p> <p>23 different services, compiled them together in various</p> <p>24 forms, and claimed copyright over them to take services out</p>
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<p>1 Jordanville Prayer Book?</p> <p>2         MS. BROSUS: Objection.</p> <p>3     <b>A.</b> Because they cleaned it up. They don't use</p> <p>4 anything of ours; therefore, they don't have to give any --</p> <p>5 any -- any -- how do you call it -- acknowledgment.</p> <p>6     <b>Q.</b> It's available on the World Wide Web.</p> <p>7     <b>A.</b> Yes, but it's not our translations of the</p> <p>8 dismissal. It's their translations done locally there in</p> <p>9 Jordanville.</p> <p>10    <b>Q.</b> It's the Old Prayer Book. It's on the World Wide</p> <p>11 Web. They also have a new one.</p> <p>12    <b>A.</b> Sir --</p> <p>13         MS. BROSUS: Objection. Is there a</p> <p>14 question?</p> <p>15     <b>A.</b> The old one -- well, the old one, yes. They had</p> <p>16 recognized in -- in letter, Bishop Laurus to us.</p> <p>17     <b>Q.</b> But they put the old one on the Internet.</p> <p>18     <b>A.</b> Well, then, that's they're -- I have no -- sir, I</p> <p>19 do not know about the Internet.</p> <p>20         MS. BROSUS: Chris, are you</p> <p>21 testifying or is there a question?</p> <p>22     <b>A.</b> I told you.</p> <p>23         MR. INGOLD: That's a question.</p> <p>24     <b>A.</b> I know nothing about the Internet.</p>	<p>1 of the public domain?</p> <p>2         MS. BROSUS: Objection.</p> <p>3     <b>A.</b> Absolutely not. Absolutely -- and anyone who is</p> <p>4 intelligent, is not an imbecile, can sit down, and he knows</p> <p>5 that languages that they were trans from, will see they're</p> <p>6 direct translations and not compilation from existing</p> <p>7 translations.</p> <p>8     <b>Q.</b> So if I can show you --</p> <p>9     <b>A.</b> What was done from Hapgood was done from the</p> <p>10 Slavonic, not from the Greek, and it's quite different.</p> <p>11     <b>Q.</b> So if I can show you where 90 percent at least of</p> <p>12 your Psalter comes identical to Brenton's translation --</p> <p>13     <b>A.</b> Sir --</p> <p>14     <b>Q.</b> -- why is that?</p> <p>15     <b>A.</b> -- if you have a case, pursue the case. We</p> <p>16 disagree, and I will disagree on that, and demonstrate it</p> <p>17 to us.</p> <p>18     <b>Q.</b> Well, I'm -- I'm asking you to tell me --</p> <p>19     <b>A.</b> 90 percent of the liturgy have not been</p> <p>20 translated. They are translated by us. Only 10 percent</p> <p>21 has ever been translated into English.</p> <p>22     <b>Q.</b> I'm talking about The Psalter now.</p> <p>23     <b>A.</b> About The Psalter.</p> <p>24     <b>Q.</b> If I can show you --</p>

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<p>1       <b>A.</b> All right. If you can show us, demonstrate it, go      2 to court, and make your case.      3       <b>Q.</b> Well, I'm asking you on this hypothetical to      4 answer a question. If I can show you that 90 percent of      5 your Psalter comes from Brenton's translation of the      6 Septuagint --      7       <b>A.</b> No.      8       <b>Q.</b> -- why is that? Why are they identical?      9           MS. BROSIUS: Objection.      10      <b>A.</b> You are not able to -- demonstrate it. Now is not      11 the time. Please put it in writing, send it to us, even if      12 it takes five volumes, demonstrate it to us, and then we      13 will answer you.      14      <b>Q.</b> No, no --      15      <b>A.</b> Then we will answer you.      16      <b>Q.</b> I have that question now, but we're going to take      17 a break --      18      <b>A.</b> It's a hypothetical question, sir. I told you.      19 We deny that we took anything from -- and that it's 90      20 percent from them. If you can demonstrate that, bravo to      21 you. Demonstrate.      22      <b>Q.</b> We'll do that right after the break. Why don't we      23 take the break that Ms. Brosius talked about --      24      <b>A.</b> No, I'm not going to stay here for you to</p>	<p>1           THE VIDEOGRAPHER: We're back on the      2 record. The time is 4:43.      3           BY MR. INGOLD:      4       <b>Q.</b> I'm going to hand you what's marked as Deposition      5 Exhibit 15, which is The Psalter, okay? And I'm correct,      6 am I not, that you previously testified that you had a hand      7 in putting together the monastery's version of The Psalter;      8 is that correct?      9       <b>A.</b> Correct.      10      <b>Q.</b> Okay. Would you turn to Psalm 50 with me.      11      <b>A.</b> 50?      12      <b>Q.</b> 50.      13      <b>A.</b> 50. "Have mercy upon me, O God." Famous.      14      <b>Q.</b> Are you there?      15      <b>A.</b> Yes, yes.      16      <b>Q.</b> Okay. I'm going to drop down to the "have mercy."      17 "Have mercy upon me, O God, according to thy great mercy.      18 And according to the multitude of thy compassions, blot out      19 my transgression." Is that what your Psalter reads,      20 Exhibit 15?      21      <b>A.</b> Right. Right.      22      <b>Q.</b> I actually was reading Brenton's translation just      23 then. Why are they identical?      24      <b>A.</b> Because --</p>
<p style="text-align: center;">Page 286</p> <p>1 demonstrate 90 percent that -- which will take hours.      2 Hours.      3       <b>Q.</b> Actually, I'm just going to use one psalm and --      4 and not the whole 150.      5       <b>A.</b> Sir --      6       <b>Q.</b> I can take any psalm.      7       <b>A.</b> Tomorrow -- tomorrow you'll have the opportunity      8 with a person who is knowledgeable in this realm to ask      9 these questions, to pose these questions, and to get your      10 answers. I am not the person that is capable to answer      11 these questions. I can say general situations, but I'm not      12 involved in this to say, "Yes, I grant you this, I grant      13 you that."      14           MR. INGOLD: Counsel, I intend to      15 continue the deposition. Would you like to      16 take a break?      17           MS. BROSIUS: Continue it for how      18 long? Can we go off the record and just      19 find out how much time we have left?      20           MR. INGOLD: Sure.      21           MS. BROSIUS: Let's do that now.      22           THE VIDEOGRAPHER: Going off the      23 record. The time is 4:34.      24           (Recess.)</p>	<p style="text-align: center;">Page 288</p> <p>1           MS. BROSIUS: Objection.      2       <b>A.</b> -- there's just so many ways you can translate      3 something, and there's -- that's good English, and they      4 used good English.      5       <b>Q.</b> Okay.      6       <b>A.</b> Bravo to them.      7       <b>Q.</b> So does the monastery claim that that verse is      8 copyright by the monastery?      9           MS. BROSIUS: Objection.      10      <b>A.</b> As a -- as a complete work, The -- The Psalter,      11 yes.      12      <b>Q.</b> How about that one verse in isolation?      13           MS. BROSIUS: Objection.      14      <b>A.</b> We can't go by verses, sir. There's 150 psalms.      15 And there's going to be many verses, not just one verse,      16 that are alike in other translations, but not the whole      17 psalms.      18      <b>Q.</b> Archbishop Gregory did not have the entire Psalter      19 in any form on his website, did he?      20      <b>A.</b> Sir, I don't know web sites. I'm not the person      21 to ask about these things. The person who is competent is      22 going to be deposing tomorrow. Ask him; he will inform      23 you.      24      <b>Q.</b> Which person?</p>

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<p>1     <b>A.</b> Oh, no. It's Father Pachomius. That will be      2 on --      3     <b>Q.</b> On Friday?      4     <b>A.</b> On Friday.      5     <b>Q.</b> Okay. So --      6     <b>A.</b> And Bishop Ephraim was one that worked, he can      7 also shed light on -- on the -- on the psalms.      8     <b>Q.</b> Which of the fathers of Holy Transfiguration      9 Monastery authorized the filing of this lawsuit against      10 Archbishop Gregory?      11    <b>A.</b> Oh, that's a community. That was brought in a      12 synaxis.      13    <b>Q.</b> Okay. So the --      14    <b>A.</b> Because that's going to incur an expense, and it      15 can't be done by one, two people, the decision. We have to      16 agree that -- we agree that we're going to pursue this to      17 the end even if it costs us a big sum or not.      18    <b>Q.</b> Do you recall that synaxis?      19    <b>A.</b> Oh, no. It's some time ago.      20    <b>Q.</b> You -- you don't recall a synaxis that would      21 have --      22    <b>A.</b> Sir --      23    <b>Q.</b> -- decided --      24    <b>A.</b> -- sometimes I'm not even present, because I</p>	<p>1     <b>A.</b> Because I have to be abroad.      2     <b>Q.</b> Okay. Well, see, that -- that wasn't my question.      3 If you were at the synaxis where this was decided, is it      4 likely you would remember it?      5     <b>A.</b> No, it's not likely. It's not that important for      6 me. It's not a life-and-death situation. It's not for me.      7 It's a very detailed --      8     <b>Q.</b> It's not important to you --      9     <b>A.</b> No.      10    <b>Q.</b> -- to sue a fellow Christian?      11    <b>A.</b> No, no, no. That's not my realm, sir. That's the      12 realm of the people that are responsible about the      13 copyrights that reported to the whole community -- to me      14 and to the whole community, and a decision is made, and      15 then we proceed on that decision.      16    Father Pachomius has never made a decision on his      17 own. Bishop Ephraim has never made a decision on his own.      18 And I have never made a decision on these issues. It's a      19 community situation.      20    So I don't remember being present at the synaxis,      21 but it had to be brought up. It can't have been done just      22 by one, two people decided and then we're going to be      23 paying bills, you know, without our knowledge. No. It      24 was -- we don't keep things secret from the members in the</p>
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<p>1 have -- we have three convents, and I have duties across      2 even in Europe. So I'm not even present in many a synaxis.      3     <b>Q.</b> That's fine. I -- I actually wasn't done with my      4 question.      5     <b>A.</b> So usually I was present. I might have not been      6 there for this one.      7     <b>Q.</b> Okay. I actually --      8     <b>A.</b> So I can't be --      9     <b>Q.</b> -- have not asked a question.      10    <b>A.</b> Right.      11    <b>Q.</b> What you're doing is you're -- you're making      12 statements without a question.      13    <b>A.</b> All right. Right. You ask a question; I'll      14 answer.      15    <b>Q.</b> Okay. This is my question: Is it possible that      16 you would attend a synaxis that deals with suing for      17 copyright infringement the only person ever sued by the      18 monastery and yet you would not recall it?      19       MS. BROSIUS: Objection.      20    <b>Q.</b> Is that possible?      21    <b>A.</b> It's possible, yes, absolutely.      22    <b>Q.</b> How so?      23    <b>A.</b> Because I'm not present many times.      24       MS. BROSIUS: Objection.</p>	<p>1 community.      2     <b>Q.</b> Let's go to the next verse. The verse 3 was      3 identical to the Brenton's. So let's go to verse 4. Are      4 you looking at verse 4 --      5     <b>A.</b> You -- you --      6     <b>Q.</b> -- of Psalm 50 of The Psalter?      7     <b>A.</b> You told me the first one.      8     <b>Q.</b> Well, the "have mercy"?      9     <b>A.</b> Yeah.      10    <b>Q.</b> Okay. So the next verse reads as follows, does it      11 not: "Wash me thoroughly from mine iniquity, and cleanse      12 me from my sin."      13    <b>A.</b> Right.      14    <b>Q.</b> That's what it reads in Exhibit 15, your      15 Psalter --      16    <b>A.</b> Right.      17    <b>Q.</b> -- is that right?      18    <b>A.</b> Right, right.      19    <b>Q.</b> But I was reading again from Brenton's.      20    <b>A.</b> Good. That's good.      21       MS. BROSIUS: Objection.      22    <b>Q.</b> Say what? Why would that be?      23    <b>A.</b> Because I told you. I've said it again and again,      24 sir. You don't listen. Try to remember and you'll know</p>

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<p>1 what, the answer. I told you. Because there's just so      2 many -- the ways you can translate something in the English      3 language. And this is good English. But if -- if this is      4 a copyright, Brenton is copyrighted also, so.</p> <p>5 Q. Who copyrighted Brenton?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. I don't know. I don't know. But all these      8 applications are copyrighted. We can't reprint Baxter's --      9 how do you call it -- Psalter -- I mean Old Testament, and      10 we can't do it.</p> <p>11 Q. Do you know what it means for something to be in      12 the public domain?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. Sir, I -- I am not cognizant of these things. You      15 have to find the people that understand. I don't know.</p> <p>16 Q. Okay. If I were to represent to you that      17 Brenton's translation of the Septuagint is not      18 copyrighted --</p> <p>19 A. All right. Fine. Then it's not copyrighted. So      20 I made a mistake. I'm not knowledgeable of these things.</p> <p>21 Q. And -- And that's fine. I just am trying to      22 communicate --</p> <p>23 A. But --</p> <p>24 Q. -- with you here.</p>	<p>1 would say that in the syntax that we should use "pauper" or      2 we should use -- and we would take it into account. But it      3 didn't mean that everything that he said, we agreed with.      4 But it was four of us, three that knew Greek well,      5 Father Arsenios -- I still use The Psalter in Greek; that's      6 my liturgical language. I grew up very Greek, and -- but,      7 of course, I hear it in church always in English, because      8 we don't use the Greek Psalter any longer, because the      9 community, there's only two or three people that understand      10 the Greek, and the rest don't.</p> <p>11 Q. The phrase, and I'll provide the court reporter      12 with this spelling later, "Kyrie eleison, Kyrie eleison,      13 Kyrie eleison," how can that be translated into English?</p> <p>14 A. No other way --</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 A. -- than "Lord have mercy."</p> <p>17 Q. Okay.</p> <p>18 A. No other way.</p> <p>19 Q. So does Holy Transfiguration Monastery claim      20 copyright --</p> <p>21 A. Sir, we don't claim --</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. -- copyright on words. We -- we -- on works, on a      24 whole thing, we claim copyright. Not on words. Not on</p>
<p style="text-align: center;">Page 294</p> <p>1 A. -- because there's verses that are similar or      2 exact does not mean that we copied from them.</p> <p>3 Q. Okay. You're saying that there's just a limited      4 number of ways that the Greek can be translated --</p> <p>5 A. Yes.</p> <p>6 Q. -- into good English?</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 Q. Is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you know that because you translate Greek to      11 English?</p> <p>12 A. Right.</p> <p>13 Q. And you translated at least a portion of Exhibit      14 15, The Psalter, from the Greek into the English, correct?</p> <p>15 A. We put each verse, not portion, each verse, in      16 Greek. And then we had at least five lines down empty.      17 Three of us knew good Greek. One did not know Greek.      18 That's Father Alexis, who is in England now, the abbot of      19 St. Edward the King -- Martyr King brotherhood. But his      20 English was good. He was British, English. And so he      21 would referee when we had disagreement about rendering a      22 Greek word in different ways in English. Like "poor man,"      23 "pauper." When to use "pauper," when to use "poor man."      24 And it's the same word in Greek. You understand? So he</p>	<p style="text-align: center;">Page 296</p> <p>1 words, sir.</p> <p>2 Q. Okay.</p> <p>3 A. But as a whole, yes.</p> <p>4 You said that we compiled. You know that 90      5 percent of the liturgical works have not been translated      6 into English. The Festal Menaion of British's Kallistos      7 Ware, and Hapgood's -- how do you call it -- General      8 Menaion for general feasts, you know, and the few others,      9 that's what was in English, and a few things by Nassar, but      10 not in serve -- whole services. He put out that big like      11 Horologion, et cetera.</p> <p>12 But 90 percent has not been trans -- it has been      13 translated by us. And most of it has been printed; since      14 we printed the 12 Menaion, that's a big chunk of it, and      15 The Pentecostarion. But we still have to print now the      16 Horologion -- The Octoechos. And we've fine-tuned, as I      17 told you, The Pentecostarion, to reprint it now. It's      18 going to be in print again. And by the end of the year,      19 Saint of Isaac should be in reprint, or the beginning of      20 the year. We really worked on that also and revised the      21 situation. Things were brought to our attention, the use      22 of "noose," if it's intellect or mind, and we agree that it      23 was not supposed to be intellect; it was mind.</p> <p>24 Q. Are you familiar with a Horologion that is put out</p>

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<p>1 by Holy Trinity Mission?</p> <p>2     <b>A.</b> Oh, yeah. Holy Trinity Monastery, right? That's</p> <p>3 at my brother -- what's his name?</p> <p>4     <b>Q.</b> Holy Trinity Mission.</p> <p>5     <b>A.</b> Mission? No. Where is Holy Trinity Mission?</p> <p>6     <b>Q.</b> You're not familiar with it?</p> <p>7               MS. BROSIUS: You have to respond</p> <p>8               verbally.</p> <p>9     <b>A.</b> No. No. No. I'm -- I'm -- I'm aware of a</p> <p>10 Horologion that was put out, may -- not printed,</p> <p>11 mimeographed like by Jordanville, by one of the brothers;</p> <p>12 it wasn't printed by the monastery, though.</p> <p>13     <b>Q.</b> So it would be your testimony that you have not</p> <p>14 ever heard of a -- of an organization called Holy Trinity</p> <p>15 Mission?</p> <p>16     <b>A.</b> No.</p> <p>17               MS. BROSIUS: Objection. Asked and</p> <p>18               answered.</p> <p>19     <b>A.</b> No.</p> <p>20               MR. INGOLD: Well, I'm trying to</p> <p>21               clarify.</p> <p>22     <b>A.</b> No.</p> <p>23     <b>Q.</b> Okay.</p> <p>24     <b>A.</b> Maybe the other fathers that you -- maybe they've</p>	<p>1 it infringes your --</p> <p>2     <b>A.</b> No, because it's not, and it's not might and</p> <p>3 meter. It can't be chanted according to the original</p> <p>4 melodies. Ours can be chanted according to the -- which is</p> <p>5 a big, big accomplishment how that could be done.</p> <p>6     <b>Q.</b> So if the organization of The Octoechos is</p> <p>7 arranged differently than your Octoechos, it's not the</p> <p>8 same?</p> <p>9               MS. BROSIUS: Objection.</p> <p>10     <b>A.</b> The translation is not the same. We know it.</p> <p>11     <b>Q.</b> Okay.</p> <p>12     <b>A.</b> Because we know, and we have a copy of them, the</p> <p>13 mimeograph one. What was the name of that brother? I</p> <p>14 think he's reposed, but I don't remember right now. Do you</p> <p>15 have the author?</p> <p>16     <b>Q.</b> How about the menaia that is put out by</p> <p>17 Jordanville?</p> <p>18     <b>A.</b> That's by Mr. Lambert. He's a layman, and that is</p> <p>19 from the Slavonic.</p> <p>20     <b>Q.</b> And that does not --</p> <p>21     <b>A.</b> No.</p> <p>22     <b>Q.</b> -- infringe?</p> <p>23     <b>A.</b> It cannot -- it cannot compare. It -- it is done</p> <p>24 from Slavonic. Some things are very different and cannot</p>
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<p>1 heard of it. I'm not on things.</p> <p>2     <b>Q.</b> What I'm -- I'm trying to follow up on your</p> <p>3 statement that you're unfamiliar with any other</p> <p>4 translations other than yours --</p> <p>5     <b>A.</b> Well, I don't say I'm not familiar. We used to</p> <p>6 use them; we had to use them. Sir, before we did our own</p> <p>7 and published it, we had to use them.</p> <p>8     <b>Q.</b> There is an organization called Holy Trinity</p> <p>9 Theological School?</p> <p>10    <b>A.</b> Really? In the United States?</p> <p>11    <b>Q.</b> Yeah. In Jordanville.</p> <p>12    <b>A.</b> Oh, yes, of course.</p> <p>13    <b>Q.</b> Okay.</p> <p>14    <b>A.</b> That's known very well.</p> <p>15    <b>Q.</b> And if they have an outreach called Holy Trinity</p> <p>16 Mission that --</p> <p>17    <b>A.</b> Oh, so that's the same facility.</p> <p>18    <b>Q.</b> -- that provides certain translations --</p> <p>19    <b>A.</b> Yes. They have one translator, Isaac Lambert.</p> <p>20    <b>Q.</b> Okay.</p> <p>21    <b>A.</b> And he's pretty good, but he does it from</p> <p>22 Slavonic, not from Greek, the original. So it's a</p> <p>23 translation of a translation.</p> <p>24    <b>Q.</b> So if he has an Octoechos, are you concerned that</p>	<p>1 be chanted.</p> <p>2     <b>Q.</b> How about their Pentecostarion?</p> <p>3     <b>A.</b> I don't even know that they put out a</p> <p>4 Pentecostarion.</p> <p>5     <b>Q.</b> How about the Old Rite Prayer Book; have you ever</p> <p>6 heard of that?</p> <p>7     <b>A.</b> Oh, we have a copy. They used, if I'm not</p> <p>8 mistake, our Psalter, and they gave acknowledgment.</p> <p>9     <b>Q.</b> Is it your position that they infringe?</p> <p>10    <b>A.</b> No. They give acknowledgment, I told you. The</p> <p>11 Coptic Church in the United States, they were delighted</p> <p>12 that we made a good translation of the -- of the Psalter,</p> <p>13 and they asked to use the whole Psalter. We -- we gave</p> <p>14 them permission, but they give acknowledgment where due.</p> <p>15 They say where it's from. They haven't printed The Psalter</p> <p>16 separately, but throughout their services, they use the</p> <p>17 whole Psalter. And because now they use the Egyptian youth</p> <p>18 is not speaking Arabic. So they wanted to use English.</p> <p>19     <b>Q.</b> So is it --</p> <p>20    <b>A.</b> That's the reason.</p> <p>21    <b>Q.</b> -- your testimony that the only part of the Old</p> <p>22 Rite Prayer Book that follows the monastery's --</p> <p>23    <b>A.</b> Is The Psalter.</p> <p>24    <b>Q.</b> Is The Psalter.</p>

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<p>1       <b>A.</b> Yes.</p> <p>2       <b>Q.</b> But the rest of it is different?</p> <p>3       <b>A.</b> It's even different from the -- the -- the rest of 4       the Russian church. Because they didn't want to reform 5       when there were reforms. A lot of mistakes have crept in, 6       because they didn't know Greek well. And under Patriarch 7       Nikon a few centuries ago, they brought a monk, St. Maximus 8       the Greek from the monastery of Vatopedi, Holy Mountain, 9       who knew the Slavonic well and knew the Greek well, and he 10      stayed a lifetime in Russia correcting the liturgical 11      terms. And the old believers did not accept the 12      corrections, so they still have the old translation, all 13      the mistakes. So that's why their translation into English 14      has the mistakes that they had before Nikon, the patriarch. 15      So it's different even from the Jordanville Prayer Book.</p> <p>16       <b>Q.</b> Have you ever heard of the Byzantine -- Byzantine 17      Catholic Seminary in Pittsburgh, Pennsylvania?</p> <p>18       <b>A.</b> Oh, yeah, they're Uniates.</p> <p>19       <b>Q.</b> Do you feel --</p> <p>20       <b>A.</b> I've --</p> <p>21       <b>Q.</b> -- that their translations infringe on your work?</p> <p>22           MS. BROSIUS: Objection.</p> <p>23       <b>A.</b> I have no idea. I have no idea. I have not read 24      any of their translations.</p>	<p>1       <b>Q.</b> Do you do that for profit, for --</p> <p>2       <b>A.</b> No.</p> <p>3       <b>Q.</b> -- monetary gain?</p> <p>4       <b>A.</b> No. When they buy, then they buy. And our 5       publications are very inexpensive in comparison to the 6       paper we use, the binding; it's first class. We can 7       compare and tell you stories. The Vatican has printed a 8       Slavonic Menaion, very nice edition, but much smaller than 9       our format, some thousands of dollars for these small 10      volumes. Well, but it's a small printing, and it's 11      expensive. The euro is up; the dollar is down. So it's 12      charge -- we've charged 1,000 for the all, and that's 13      nothing.</p> <p>14       <b>Q.</b> Do you believe that the translations available 15      through the Greek Orthodox Archdiocese of America infringe 16      on your work?</p> <p>17       <b>A.</b> They're horrible. They don't infringe on our 18      work. You should see what some professors that know Greek 19      well have said. I won't even -- the akathists they came 20      out with, you think it was a study in biology or something.</p> <p>21       <b>Q.</b> Have you ever heard of St. Anthony's Monastery?</p> <p>22       <b>A.</b> St. Anthony in Arizona. Arizona?</p> <p>23       <b>Q.</b> Do you believe -- in Arizona. Do you believe 24      their work infringes on your work?</p>
<p style="text-align: center;">Page 302</p> <p>1       <b>Q.</b> Are you familiar with St. George Church and their 2       translation work?</p> <p>3       <b>A.</b> Where? Which? Where? St. George Church, the 4       Syrians have a hundred St. George churches. It's St. 5       George, St. Elias. One of the two.</p> <p>6       <b>Q.</b> Various sources compiled by a Father Peter 7       Gregory, have you ever heard of him?</p> <p>8       <b>A.</b> Peter Gregory, no, no. I don't know. Is it in 9       Boston? They have a St. George -- St. George Church in 10      Boston, but I don't know.</p> <p>11       <b>Q.</b> You're saying that the cops -- the Coptic Orthodox 12      Church is using your Psalter?</p> <p>13       <b>A.</b> Yes. They asked permission, and they -- and we 14      granted it.</p> <p>15       <b>Q.</b> Do you commemorate their bishops or --</p> <p>16       <b>A.</b> Of course not.</p> <p>17       <b>Q.</b> Do you accept their people for communion?</p> <p>18       <b>A.</b> No, we're not in communion. They're monophysites. 19      They separate themselves after the Third Ecumenical 20      Council. They don't accept the councils after the third. 21      Especially the fourth of Chalcedon. They will not accept 22      it. So we're not people, you know, that will not share. 23      We share with people outside our jurisdiction. If they, 24      you know, they want to use them, fine.</p>	<p style="text-align: center;">Page 304</p> <p>1           MS. BROSIUS: Objection.</p> <p>2       <b>A.</b> No. They have a Father Ephraim who is not Greek, 3       but knows Greek excellently and music more than 4       excellently, and he has been asking us to use our English 5       translations because they're not allowed, their monastery, 6       to use English. But he puts on the website for free to be 7       downloaded arrangements of our Eothina. That's the -- the 8       end hymn of every Orthros on Sunday. The eight tones. And 9       we gave him permission, but of course he gives 10      acknowledgment, and we don't charge anything.</p> <p>11       <b>Q.</b> Is it your position that the troparia that are 12      translated by Rassophor Monk Lawrence --</p> <p>13       <b>A.</b> That's it. Lawrence.</p> <p>14       <b>Q.</b> -- they --</p> <p>15       <b>A.</b> He did The Horologion. He did the --</p> <p>16       <b>Q.</b> -- they infringe on your work?</p> <p>17       <b>A.</b> No.</p> <p>18           MS. BROSIUS: Objection.</p> <p>19       <b>A.</b> No. He has his own true -- own translations. And 20      some people like them; some people say no, they're not -- 21      and, of course, it's done from Slavonic. It's not done 22      from the Greek. So it's a translation of a translation, or 23      some things are not even in Greek. They're just written in 24      Slavonic directly for the Russian saints that we don't have</p>

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<p>1      in Greek.</p> <p>2      As a person, he's a solid, good person, this</p> <p>3      Father Lawrence, that's his name. But I don't know if he's</p> <p>4      still alive. I visited there a week and a half ago. Not a</p> <p>5      soul. And I couldn't find even their bookstore after I</p> <p>6      worshipped at the tombs of the metropolitans that are</p> <p>7      reposed and others. And I went back to the parking lot</p> <p>8      with the two fathers, and someone drove in, and it was the</p> <p>9      brother of this Father Williams who wanted to print our</p> <p>10     Pentecostarion, and Father Chad was in Maine.</p> <p>11     And I said to him, "Father, where is everyone?"</p> <p>12     "I don't know," he says, "I'm -- I'm also a</p> <p>13     visitor."</p> <p>14     But he showed us where the bookstore, and we</p> <p>15     bought a few books.</p> <p>16     There are many translations around of certain</p> <p>17     things, but not the Menaion. Father and this Lambert has</p> <p>18     done, but he's not completed a Menaion. I don't know how</p> <p>19     many volumes he's done.</p> <p>20     Q. You're familiar with the Emmaus translation of The</p> <p>21     Psalter?</p> <p>22     A. No. Who's Emmaus? That's the shrine --</p> <p>23     Q. The one translated by -- I think that was Father</p> <p>24     Lawrence.</p>	<p>1      He gave us a lot of things, a lot of life, beautiful</p> <p>2      things, the man. He was -- and he's the one who</p> <p>3      translated, and we give -- The Ladder of Divine Ascent,</p> <p>4      Father Lazarus Moore. And then we found many mistakes.</p> <p>5      We said, "Father, can we correct?"</p> <p>6      He said, "Fathers, you know the Greek. That was</p> <p>7      the original. I did it from the Russian." And</p> <p>8      "Absolutely. Not only that," he says, but "my version,"</p> <p>9      which was printed in England, "they took the liberty," this</p> <p>10     press, "to change things without even informing me."</p> <p>11     So he sent us a whole list of corrections he would</p> <p>12     have made for a new edition. And we really sat down, so</p> <p>13     now it's really a new translation. But in the beginning,</p> <p>14     the first edition, it was one-third that was corrected.</p> <p>15     But since then it's the whole thing has been correctly --</p> <p>16     Q. Do you believe that any of the translations hosted</p> <p>17     by the Orthodox Church in America infringe your work?</p> <p>18     MS. BROSIUS: Objection.</p> <p>19     A. No. And their translation's in modern English.</p> <p>20     They don't use the "thee," the "thou," and all that, you</p> <p>21     know. They want modern situation. And, of course, it's</p> <p>22     not metered, so it can't be chanted. It can be chanted</p> <p>23     Russian style, but that's without melody, just in the tone.</p> <p>24     Q. Have you ever heard of the St. Sergius of Radonezh</p>
<p style="text-align: center;">Page 306</p> <p>1      A. Oh, really? No. No. I -- the first time I hear</p> <p>2      Emmaus publishing house. I think he's a resident in</p> <p>3      Jordanville, Father Lawrence. Brother Lawrence, not</p> <p>4      father, Brother Lawrence. He's at Jordanville, I think.</p> <p>5      He was. But I've lost track.</p> <p>6      Q. Father Lazarus Moore, would he --</p> <p>7      A. Oh.</p> <p>8      Q. -- have translated the -- the Emmaus translation?</p> <p>9      A. The what.</p> <p>10     Q. The Emmaus?</p> <p>11     MS. BROSIUS: Objection.</p> <p>12     A. The Psalter?</p> <p>13     Q. Yeah. Let me spell it for you.</p> <p>14     A. I know Emmaus. I know Emmaus. That's where our</p> <p>15     Savior went with Luke and Cleopas on the day of the</p> <p>16     Resurrection, and they thought he was a stranger; they</p> <p>17     didn't recognize him. He appeared in another form.</p> <p>18     Q. How about Oesterley, have you ever heard of that</p> <p>19     translation of the psalms?</p> <p>20     A. Oesterley? No.</p> <p>21     MS. BROSIUS: Objection.</p> <p>22     A. Father Lazarus gave us his manuscript hoping that</p> <p>23     we would publish it, because he didn't have money, the poor</p> <p>24     man. He was living, as I told you, in an ashram in India.</p>	<p style="text-align: center;">Page 308</p> <p>1      parish?</p> <p>2      A. Where? St. Sergius of Radonezh. No. There are</p> <p>3      parishes in the Russian church, both in the OCA and in the</p> <p>4      Russian Church Abroad of St. Sergius of Radonezh. But</p> <p>5      which parish?</p> <p>6      Q. They're under Metropolitan Laurus, Alypy.</p> <p>7      A. Yeah. All right. Then -- oh. Is the cathedral</p> <p>8      in Cleveland St. Sergius? I think so. Yeah, yeah, yeah.</p> <p>9      That's St. Sergius. One of them. In Cleveland.</p> <p>10     Q. So they have an English General Menaion --</p> <p>11     A. General Menaion.</p> <p>12     Q. -- do you believe that that infringes --</p> <p>13     A. No.</p> <p>14     Q. -- any of your works?</p> <p>15     MS. BROSIUS: Objection.</p> <p>16     A. No. Observes. All right. No. General Menaion</p> <p>17     is not a part of our -- we never came out with a General</p> <p>18     Menaion.</p> <p>19     Q. How about --</p> <p>20     A. We just put in the name of the saint. He's a</p> <p>21     martyr or he's a hieromartyr or it's a female saint or a</p> <p>22     male saint, and it's a common service for anyone. So we</p> <p>23     don't go for that.</p> <p>24     Q. How about their English Resurrectional Octoechos;</p>

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<p>1 do you think that infringes your work?</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 A. I haven't heard of it. See, there's a collection</p> <p>4 of things that come out. Whenever we hear that there's a</p> <p>5 translation, we buy it, just to see what's being done. But</p> <p>6 I'm not a priest of it, and I don't study it, and it's --</p> <p>7 it's put in a special place in the library just for</p> <p>8 reference for ourselves to know what's being -- and then to</p> <p>9 also see if they are infringing on our copyright. And we</p> <p>10 verify that, no, they're not, you know. It's their own</p> <p>11 versions.</p> <p>12 Q. Have you ever heard a General Menaion that was put</p> <p>13 out by an anonymous person -- let's see if I can get the</p> <p>14 date here -- in 2000?</p> <p>15 A. No. As I told you, a General Menaion is just you</p> <p>16 put the name in of the saint, and it's the same. That's</p> <p>17 not really a service to the saint.</p> <p>18 Q. Okay.</p> <p>19 A. The first General Menaion was done by Hapgood, and</p> <p>20 that was in the days of Patriarch Tikhon when he was</p> <p>21 archbishop here and with the blessings of Tikhon.</p> <p>22 Q. How about the General Menaion of Archimandrite</p> <p>23 Ephraim? Have you ever heard of him?</p> <p>24 A. Oh, yes. He's in England.</p>	<p>1 someone can print something that we have and that it should</p> <p>2 make the acknowledgment. At least it comes into print.</p> <p>3 Q. So --</p> <p>4 A. So Father John Fleser is head of that.</p> <p>5 Q. If an individual has a translation of the liturgy</p> <p>6 with the secret prayers, is that different than what you</p> <p>7 have out there in the Prayer Book?</p> <p>8 MS. BROSIUS: Objection.</p> <p>9 A. Don't know. Don't know.</p> <p>10 Q. I'm sorry?</p> <p>11 A. I don't know.</p> <p>12 Q. Well, at least the secret prayers would be</p> <p>13 different, because they're not in your Prayer Book, right?</p> <p>14 A. Well, yeah. We did it from the Greek. If they</p> <p>15 did it from the Russian or Slavonic, it would be different.</p> <p>16 Q. Okay.</p> <p>17 A. A little different.</p> <p>18 Q. Okay. So at least whatever portions of a liturgy</p> <p>19 that are out there contain the secret prayers, then they're</p> <p>20 not anything that's in your Prayer Book?</p> <p>21 A. No. No. We haven't come out with our version yet</p> <p>22 of the -- with the secret prayers. And before we did our</p> <p>23 translation, we were using the -- the Hapgood.</p> <p>24 (Discussion off the record.)</p>
<p style="text-align: center;">Page 310</p> <p>1 Q. Do you think any of his works infringe on --</p> <p>2 A. No.</p> <p>3 Q. -- your works?</p> <p>4 MS. BROSIUS: Objection.</p> <p>5 A. He's very -- very colorful. Very English.</p> <p>6 Peculiar. And he demands his points. He's very, very</p> <p>7 funny.</p> <p>8 Q. Have you ever heard of a translation of the Divine</p> <p>9 Liturgy by an individual named Vernoski?</p> <p>10 A. No. Russian, Vernoski. No.</p> <p>11 Q. So you don't have a position on whether that</p> <p>12 infringes --</p> <p>13 A. No, no.</p> <p>14 Q. -- on any of your translation works?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 Q. Have you all translated the liturgy?</p> <p>17 A. Yes. We have that in the Prayer Book.</p> <p>18 Q. Okay. The entire liturgy?</p> <p>19 A. The entire liturgy.</p> <p>20 Q. Including the secret prayers?</p> <p>21 A. No, not the secret prayers. The dioceses is</p> <p>22 working on an official HOCNA edition, but it's translation</p> <p>23 of the monastery; we give an acknowledgment. But we don't</p> <p>24 have the funds to print everything. So we're happy if</p>	<p style="text-align: center;">Page 312</p> <p>1 Q. Have you heard of a Father John Whitehead?</p> <p>2 A. Yes, I've heard of him, but I -- I don't know if I</p> <p>3 met him. May have met him 30 years ago.</p> <p>4 Q. Do you think the resources that he makes available</p> <p>5 to the church violate your copyright?</p> <p>6 A. I'm not --</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 A. I'm not aware of his translations. I'm not up on</p> <p>9 these things, sir. I don't have the time to be reading all</p> <p>10 these translations. That doesn't interest me.</p> <p>11 Q. Did you ever hear of a St. Gregory of Palamas</p> <p>12 Monastery that --</p> <p>13 A. Oh, yes.</p> <p>14 Q. -- made translations?</p> <p>15 A. Yes.</p> <p>16 Q. Of The Horologion?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Of the Menaion?</p> <p>19 A. I don't think they made the Menaion.</p> <p>20 Q. Of The Octoechos?</p> <p>21 A. I don't know. I don't know. They're in</p> <p>22 California.</p> <p>23 Q. Of the Pentecostarion?</p> <p>24 A. Really?</p>

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<p>1      <b>Q.</b> Of the Triodion?</p> <p>2      <b>A.</b> Everything in English?</p> <p>3      <b>Q.</b> Yes. So you don't know whether they are what you would accuse of --</p> <p>4      <b>A.</b> I -- I don't think they would. They -- they're very, very -- they claim to have so many degrees and very scholarly, and they say, "We don't have numbers, but we have quality," and so what they do, you know, they try to be very -- but, oh, they came out with a Psalter, and we bought -- we bought it. And the paper is horrible; it's so white, and it glares. But they wanted to print it on this paper because they put a lot of miniatures in it and the colors would not come out good if the paper wasn't right. So to sacrifice -- they sacrificed the glaringness of the white. And we weren't impressed by the translation, their translation, of The Psalter. But it's a very lovely thing with all the illuminations, the icons in it. And it's quite expensive, so it's not going to be any kind of a competition for us. I mean it's \$40 or \$50 for a Psalter. And what is ours, you know, I forget, but less than half. Thank you.</p> <p>22     <b>Q.</b> You mentioned that two monks fled in a pickup truck with sound recording equipment; one of them was Father Evgenios?</p>	<p>1      <b>Q.</b> Okay.</p> <p>2      <b>A.</b> We borrowed the money from them.</p> <p>3      <b>Q.</b> Okay.</p> <p>4      <b>A.</b> And we paid it all in full back, and when he left, he went through the checks and took all the checks. But he didn't know that the stubs were still there, the canceled checks. So we had the stubs, which was evidence that we had paid over a year and a half all the money back to the family. So it did not belong to him personally.</p> <p>10     And if it was a donation, if they claimed it, they took it off taxes, and it was not a donation, it was a loan, which was paid back.</p> <p>13     So that was robbery, that was stealing equipment, removing equipment that was paid by the monastery, not by the family. He claimed that after to cover up his situation. But what we -- we want is the tapes he took that we cannot replace.</p> <p>18     A lot of people took things, and that is very dishonorable, and that -- the community still doesn't want to forgive. I forgive, but some won't forgive.</p> <p>21     <b>Q.</b> Have you read the bylaws of Holy Transfiguration Monastery?</p> <p>23     <b>A.</b> They had to be discussed to be endorsed by the community, so way back, way back, yes. But not recently.</p>
<p style="text-align: right;">Page 314</p> <p>1      <b>A.</b> Right.</p> <p>2      <b>Q.</b> Is it true that his family had donated that equipment --</p> <p>4      <b>A.</b> Sir --</p> <p>5      <b>Q.</b> -- to the monastery?</p> <p>6      MS. BROSIUS: Objection.</p> <p>7      <b>A.</b> Sir, if you hear the details, you will be aghast.</p> <p>8      <b>Q.</b> Well, that's my question. Is it true?</p> <p>9      <b>A.</b> I was the abbot at the time. And when I heard thousands of dollars, and we were really poor. We had just barely to put food on the table. I said, "What are you talking about?"</p> <p>13     "Oh, we need it if we're going to good" -- and the man -- we never came out with any good recordings. So --</p> <p>15     <b>Q.</b> Okay. I'm lost because I don't think I got an answer to my question.</p> <p>17     <b>A.</b> Yes.</p> <p>18     <b>Q.</b> Evgenios was one of the monks that you said --</p> <p>19     <b>A.</b> Yes.</p> <p>20     <b>Q.</b> -- fled in a pickup truck?</p> <p>21     <b>A.</b> And I'm explaining to you about the equipment.</p> <p>22     <b>Q.</b> Yeah, but that's not my question. My question is: Did his family donate the equipment?</p> <p>24     <b>A.</b> No, they did not.</p>	<p style="text-align: right;">Page 316</p> <p>1      <b>Q.</b> They've been modified over the years, though?</p> <p>2      <b>A.</b> A couple of times.</p> <p>3      <b>Q.</b> Okay. Do any of the versions of the bylaws of Holy Transfiguration Monastery violate the canons?</p> <p>5      MS. BROSIUS: Objection.</p> <p>6      <b>A.</b> Sir, I can't even remember the -- the bylaws, and I can't answer this question competently.</p> <p>8      <b>Q.</b> Did the Russian Orthodox Church Outside of Russia encourage the translation of church services into English?</p> <p>10     <b>A.</b> No.</p> <p>11     <b>Q.</b> At any time ever?</p> <p>12     <b>A.</b> No. They were interested in their own Russian thing. It was we that were non-Russians that were interested in having the translations into English.</p> <p>15     <b>Q.</b> So if they --</p> <p>16     <b>A.</b> There were zealous people from time to time, but they -- they were converts, like Father Lazarus Moore, very zealous, this Lazarus Moore, who was ordained by the Church Abroad, and most of his life was in the Church Abroad, then disappeared and went under the OCA.</p> <p>21     <b>Q.</b> If they were to testify that they had encouraged translation --</p> <p>23     <b>A.</b> Still, that doesn't mean --</p> <p>24     <b>Q.</b> -- into English, would you disagree with that</p>

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1 statement? 2     A. I would like to see it, and I would be surprised, 3 who it was and when. 4     Q. You've never heard that before, that they -- 5     A. No. 6     Q. -- took the position? 7     A. They were happy, they were happy, but not that 8 they commissioned us or encouraged us, no, I don't -- I'm 9 not -- 10    Q. You don't think they had a committee or a group 11 that was in charge -- 12    A. Oh. They had started -- 13    Q. -- of translations? 14    A. They had started something like that with Lambert, 15 et cetera, et cetera. But -- 16    Q. When? 17    A. Oh, decades ago. Some decades ago. 18    Q. Before all of the translation work at the 19 monastery? 20    A. No. In the process of our translation, and -- 21    Q. Before you left ROCOR? 22    A. Oh, way before. And he had his platform, his -- 23 his ideas of translation, which disagreed in principle with 24 some of ours, et cetera. But, of course, he was doing it	1     Q. The Prayer Book that we've looked at today would 2 be sacred? 3     A. Yes. 4     Q. The Ascetical Homilies that we've looked at here 5 today, Exhibit No. 9, would be sacred? 6     A. Yes. 7     Q. The Octoechos that we've looked at here today 8 would be sacred? 9     A. Yes, yes. 10    Q. Okay. The Collected Dismissal Hymns would be 11 sacred? 12    A. Right. 13    Q. Exhibit 12 and 13, the Pentecostarion, would be 14 sacred? 15    A. Correct. 16    Q. Exhibit 15, The Psalter, would be sacred? 17    A. Correct. 18    Q. These are sacred things of the church? 19    A. Yes. 20    Q. Are there things in Holy Transfiguration Monastery 21 that are not sacred, like food, clothing? 22    A. All that is blessed. 23    Q. But it's not sacred? 24    A. Well, if it's blessed, it receives a blessing, a
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1 from Slavonic. So his translations received approbation. 2 But still he copyrighted all his translations under his 3 name, not under the synod, although he might have been 4 encouraged by the synod, and there was a committee that was 5 formed at his prompting to okay these things. So it was a 6 self-serving situation for his own translations. But he 7 did not put -- still all his translations are copyrighted 8 by him, printed mostly by Father Williams in Tennessee, St. 9 John of Kronstadt Press, but copyright Isaac Lambert. 10    Q. Okay. The Great Horologion that we've looked at, 11 the Prayer Book, the Ascetical Homilies, The Octoechos, the 12 Collected Dismissal Hymns, the Pentecostarion, and The 13 Psalter, which we've looked at today, are those sacred, 14 just like icons are sacred? 15    A. Everything in the church is sacred, sir. 16    Q. So those are sacred? 17    A. Everything is sacred, of course, sacred writings. 18    Q. Okay. So let -- let me just make sure I'm clear, 19 because -- 20    A. All right. All right. 21    Q. -- I'm not sure I'm clear. The Great Horologion 22 translation that we've looked at today would be sacred; is 23 that true? 24    A. Yes.	1 seal, our clothing even. 2     Q. Okay. Is it your position that everything on the 3 grounds of the building of Holy Transfiguration Monastery 4 is sacred? 5     A. Once -- on the first of the month, we have holy 6 water and then the great theophany water, the great 7 blessing in January. We sprinkle the grounds, the trees, 8 the plants, the gardens, the house, the -- the cells, 9 everything. Our heat generator, everything is blessed. 10    MR. INGOLD: Okay. I have no further 11 questions at this time. 12    MS. BROSIUS: Can we take just a 13 one-minute break? 14    MR. INGOLD: Sure. 15    MS. BROSIUS: Great. 16    THE VIDEOGRAPHER: Going off the 17 record. The time is 5:22. 18    (Recess.) 19    MR. INGOLD: Just back on the record 20 here, it's my understanding that 21 plaintiff's counsel has no responsive 22 questions. Is that correct? 23    MS. BROSIUS: That's correct. 24    MR. INGOLD: Okay. So the deposition

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 321  is now at a conclusion. (Deposition concluded: 5:28 p.m.)	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 323  PLEASE ATTACH TO THE DEPOSITION OF FATHER PANTELEIMON CASE: SOCIETY OF THE HOLY TRANSFIGURATION MONASTERY, INC VS. ARCHBISHOP GREGORY OF DENVER, COLORADO DATE TAKEN: SEPTEMBER 16, 2009 ERRATA SHEET Please refer to Page 322 for Errata Sheet instructions and distribution instructions. PAGE LINE CHANGE      REASON _____ _____ _____ _____ _____ _____ I have read the foregoing transcript of my deposition, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made by me. Executed this ____ day of _____, 2009. FATHER PANTELEIMON
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 322  ERRATA SHEET DISTRIBUTION INFORMATION DEPONENT'S ERRATA & SIGNATURE INSTRUCTIONS  ERRATA SHEET DISTRIBUTION INFORMATION  The original of the Errata Sheet has been delivered to Amy L. Brosius, Esquire. When the Errata Sheet has been completed by the deponent and signed, a copy thereof should be delivered to each party of record and the ORIGINAL forwarded to Christopher L. Ingold, Esquire, to whom the original deposition transcript was delivered.  INSTRUCTIONS TO DEPONENT  After reading this volume of your deposition, please indicate any corrections or changes to your testimony and the reasons therefor on the Errata Sheet supplied to you and sign it. DO NOT make marks or notations on the transcript volume itself. Add additional sheets if necessary. Please refer to the above instructions for Errata Sheet distribution information.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 324  COMMONWEALTH OF MASSACHUSETTS      SUFFOLK, SS.  I, JAMES A. SCALLY, RMR, CRR, a Certified Shorthand Reporter and Notary Public duly commissioned and qualified in and for the Commonwealth of Massachusetts, do hereby certify that there came before me on the 16th day of September, 2009, at 9:00 a.m., the person hereinbefore named, FATHER PANTELEIMON, who was by me duly affirmed to testify to the truth and nothing but the truth of his knowledge concerning the matters in controversy in this cause; that he was thereupon examined upon his affirmation, and his examination reduced to typewriting under my direction; and that this is a true record of the testimony given by the witness to the best of my ability. I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.  My Commission Expires: April 23, 2015  James A. Scally, RMR, CRR CSR/Notary Public

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